MINUTES OF EVIDENCE

AND

REPORT

FROM

THE SELECT COMMITTEE

OF

THE HOUSE OF LORDS

ON

THE AFFAIRS

OF THE

EAST-INDIA COMPANY.

CHINA TRADE.

LONDON:

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LIST OF WITNESSES.

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REPORT.

BY THE LORDS COMMITTEES appointed a Select Committee to inquire into the present STATE of the AFFAIRS of the EAST-INDIA COMPANY, and into the Trade between *Great-Britain*, the *East-Indies*, and *China*, and to report to the House; and to whom were referred certain Petitions and Papers and Accounts, on the subject of the said Matters submitted to their consideration;

ORDERED TO REPORT:

THE Committee have met, and they first directed their attention to the situation of the Territorial Finances of India, and examined the Accountant-general and the Auditor-general of the East-India Company, with the view of placing upon their minutes a concise statement of the financial results of the years which have elapsed since the commencement of the existing charter:—showing the manner in which the deficiency of the territorial revenues has been supplied, the extent to which they have received direct and indirect assistance from the commercial resources of the East-India Company, the present inadequacy of these revenues to meet the charges, and the amount in which the charges are expected to be

diminished in future years, by the various reductions of civil and military establishments which either have been actually effected or are now in progress.

The Committee likewise inquired into the official constitution of the local governments, for the purpose of ascertaining whether there be due control over the expenditure of the several departments, and whether power be so distributed as to secure the individual responsibility of the several officers employed.

It was necessarily a subject of primary importance to know the various modes of assessing and collecting the land revenue; the comparative advantages of the different kinds of revenue settlement; how far the pressure of this impost be equally distributed; whether, in certain districts, it may not constitute so large a proportion of the produce of the soil as to be injurious to agricultural industry; and whether, under the peculiar circumstances of India, it be possible or expedient to introduce into that country taxation of an indirect character.

The Committee extended their inquiries into the revenue arrangements of such native states as have enjoyed a good administration, for the purpose of comparing these arrangements with the several systems practised under the British government.

The nature and operation of the monopolies of

opium and of salt, and of the internal duties of transit, have likewise been investigated.

The monopoly of opium attracted more particularly the attention of the Committee, in consequence of the recent abrogation of the opium treaties which had been entered into with the princes of Malwa.

They were desirous of forming an opinion as to the effect which would be produced upon the revenue by the freedom thus given to the opium trade of Central India, which finds its way to the Indus through territories not under the rule of the British government.

It became naturally a subject of inquiry whether a larger amount of revenue might not be derived from salt, by issuing a larger quantity to the people at a lower price, and whether a commutation of the transit duties might not be effected, which would give entire liberty to the internal commerce of India.

The chief manufactures of India having been supplanted to a great extent by the manufactures of England, not only in the market of this country, but in that of India itself, it has become an object of the deepest interest to improve the productions of the soil: the Committee therefore instituted a full inquiry into the quality of the silk and of the cotton of India, and into the measures which might be adopted for their improvement: they likewise made inquiries as to sugar, tobacco, and other articles of Indian produce.

In the course of this investigation they were led to inquire how far the residence of Europeans in India, for the prosecution of commercial objects, had been productive of benefit; and whether it would be expedient to remove all restrictions upon such native subjects of his Majesty as may desire to establish themselves in the interior.

The first question which presented itself was, under what law such Englishmen should be placed; and the Committee made inquiries from retired Judges of the Supreme Courts, and from other equally competent persons, as to that important and difficult question, and generally as to the mode of distributing justice, and as to the laws and regulations under which it is administered.

They inquired whether the judicial functions were exercised in the provinces by persons possessing a competent knowledge of the law; what means of acquiring that knowledge were within the reach of the Company's servants, and what means existed for preserving it amongst the natives. They obtained much information upon all matters connected with the police of the country, and with the administration of justice; and they regarded with particlar interest the evidence as to the fitness of the natives for the discharge of judicial functions in the several capacities of judges, assessors, and jurymen.

The general fitness of the natives for civil employment has been the subject of anxious inquiry, in the hope that it might be found practicable to

raise them to higher stations in the service than any they have hitherto enjoyed, and thus to elevate their character, and give to the country a cheaper and a more popular government.

With this view it became necessary to inquire into the means of native education; and evidence was obtained, not only as to this point, but as to the best mode of educating the European servants of the East-India Company, both in England and in India.

A gentleman deputed by the half-castes of Calcutta was heard in explanation of the peculiar position in which the class to which he belongs is placed under the existing law.

General information has been obtained as to the state of the country now and in former times, and as to the condition of the people: and particular inquiry was made into the extent and nature of the state of slavery as it exists in Malabar and in other parts of India.

The practice of suttee, with regard to which some opinions were offered, is now abolished in the presidencies of Bengal and Madras.

Having examined the gentlemen now in England who seemed most competent to afford information as to the state of India now, and during the period under their review, the Committee proceeded to inquire into the manner of conducting, and into the profits of, the trade with China. They were desirous of comparing the conduct of

that trade by the Americans and by the officers of the Company's ships with its conduct by the Company's servants at Canton, and of comparing likewise the charge of freight now borne by the Americans with that borne at present by the Company, and with that which would be incurred by private merchants of England. They thought it particularly expedient to inquire into the result of that portion of the trade with China which has been carried on by the Americans in the export of British manufactures, and to contrast it with the result of similar exports made by the East-India Company.

It was likewise necessary to inquire what quantity of British manufactures had been imported into China by means of the country trade, either directly from India, or from the free port of Sincapore, and what had been the result of any such importations.

Another subject of inquiry has been, whether in the event of the trade being opened, the British merchant would be enabled to engage in it with greater advantage than the Americans.

Endeavours have been made to ascertain whether, in the event of any considerable extension of the exports to China, profitable returns could be obtained in tea and in other articles of Chinese produce; but particularly whether a much larger quantity of tea could be obtained at Canton of the same quality as that now furnished to the

Company, without occasioning a proportionate increase of price.

The comparative statement at page 635 of the evidence shows the relation which the price of tea sold at the Company's sales bore in the last year to that of the same quality sold on the continent of Europe and in America.

How far the trade of foreign nations now derives advantage from the influence of the East-India Company with the authorities at Canton, and whether without that influence the apprehended exactions of the Chinese authorities and of the monopolists of the Hong could be so resisted as to secure the continuance of a profitable commerce, are questions into which much inquiry has been made.

The nature of the country trade, and the great extension of that part of it which consists in the illegal import of opium into China, have been likewise the subjects of investigation.

It has appeared to the Committee to be particularly important to obtain information and opinions as to the effect which the present restrictions upon the trade with China produce, not only upon the direct trade between this country and Canton, but upon the valuable and increasing trade of the East to which they have just adverted.

The Committee have not considered it necessary to make a statement of the different opinions they have received in evidence upon these several

points, as the full Index which will be formed to all the evidence given under these and other heads of minor importance, will enable the House to refer without difficulty to the whole information which has been obtained upon each distinct subject of inquiry.

The House not having required from them an opinion upon the great and complicated questions which were submitted to their investigation, the Committee have thought it most advisable to confine themselves to a statement of the manner in which they have endeavoured to perform the duty of inquiry which was imposed upon them.

The Committee have added in an Appendix the most important of the papers and accounts which have been submitted to their consideration.

MINUTES OF EVIDENCE.



Die Martis, 23° *Februarii* 1830.

The LORD PRESIDENT in the Chair.

THOMAS GORE LLOYD, Esq., Accountant General of the East-India Company, and JAMES COSMO MELVILL, Esq., Auditor General of the East-India Company, are called in and examined as follows:—

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J. C. Melvill, Esq.

1. (*To Mr. Melvill.*) Can you state the aggregate result of the financial administration of the territorial branch of revenue since the commencement of the present charter?—During the fourteen years of which the accounts have been made out, the territorial gross revenue has aggregated £284,804,085; the gross charge incurred for the same period, including charges omitted in the statements lately printed, has amounted to £304,188,859. The aggregate deficit, therefore, in that period, has been £19,384,774. Of this amount the charge incurred in India was £278,911,469; whereof the proportion of civil charges was £117,606,336; of military charges, £137,253,467; and of interest of debt, £24,051,666. The expenses of St. Helena amount to £1,362,256. The remaining sum was the charge incurred in England, and amounted to £23,915,134; which includes £1,300,000 paid in discharge of the loan from the public to the Company, of 1812, and some other items omitted in the printed statements.

2. Can you distinguish the charge incurred in England from that which has been paid in England?—The whole of this has been paid in England; but there has also been paid in England something more, which is comprised in the charges incurred in India. The total amount defrayed in England, including what is absolute charge, and what is already comprised in the Indian accounts, is on the average three millions sterling annually.

3. What is the nature of those charges already stated in the Indian accounts?—Interest upon the Indian debt. Some of the capital of that debt has been paid off in England; but that payment does not enter into the revenue and charge accounts of India, being a debt transaction.

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4. In what manner have funds been provided for that amount of deficiency which you have stated?—By money borrowed in India, and by surplus profits of the Company's trade.

5. At what rate of exchange have you converted, in this account, the money of India into sterling money?—The Bengal accounts are kept in India in sicca rupees. The sicca rupee is converted in those accounts into the current rupee; the current rupee being considered sixteen per cent. less valuable than the sicca; and then the current rupee is taken in these accounts as worth 2*s.* The value affixed to the sicca rupee by that mode of conversion is 2*s.* $3\frac{84}{100}$*d.* per sicca rupee.

6. Is that valuation beyond the intrinsic value of the coin?—Certainly.

7. In calculating the total deficiency of the revenue of India since the present charter, have you made any allowance for the benefit the territory may have derived from the rate of exchange adopted in the transactions between the territorial and commercial branches?—No, I have not.

8. Can you state to the Committee the amount of benefit which has been received by the territory from that rate of exchange?—A calculation has been made, which will shew the amount of profit to be more than seven millions sterling.

T. G. Lloyd, Esq.

9. Have you that calculation with you?—(*Mr. Lloyd.*) The benefit that the territory has derived by using those rates, as compared with the mercantile rate of exchange, in all the transactions hitherto settled, I estimate at £5,154,135; added to which, as the territory has been short charged to that amount, there is a further charge of interest of £941,880 as between the two branches. A still further profit of £1,091,163 would arise by extending the calculation to the amount that still remains unsettled; making the total benefit to the territory, by reason of using the Board's rates in contradistinction to the mercantile exchange rates, of £7,187,178.

10. By the amount unsettled, do you mean the debt due in this country from territory to commerce?—I do.

11. Are you prepared to state, at this moment, the sum which has been disbursed from the surplus profits of the Company for the payment of Indian debt?—The surplus profit actually applied to territorial purposes has been £4,923,020.

12. Then the total benefit which the finances of the territory of India have derived directly or indirectly from the commercial funds of the Company, since the commencement of the present charter, amounts to £12,110,198?—Yes.

J. C. Melvill, Esq.

13. During what period has the large deficiency of territorial revenue principally arisen?—(*Mr. Melvill.*) Two-thirds of that deficit have accrued within the last four years.

14. Can you state what circumstances have produced so great a deficiency during the last four years?—The total in-

crease of charge which arose in the last four years, as compared with the year 1823-4, is £4,529,494 annually, whereof the part incurred in India is £3,827,158, and the part incurred in England is £702,336. Of the part incurred in India, £1,108,251 is for an increase of civil charge; £2,695,749 is for an increase of military charge; and £23,158 is for the increased interest on debt. The average increase of receipt in the same period has been £803,483 per annum, so that the net increase of charge in the last four years, as compared with 1823-4, is on an average £3,726,011 annually. The increase in the civil charges has arisen in Bengal and at Bombay, not at all at Madras, and principally in Bengal; and appears chiefly in the following heads of account;—embassies and missions, including the mission to Persia, and the payment of some arrears of subsidy; provincial battalions; the ecclesiastical establishment; in the contributions to civil and annuity funds; to schools and charitable institutions; and in the revenue and judicial establishments generally. The augmentation of military charge has been caused by the Burmese war, the operations against Bhurtpoor, and by an increase in the number of King's and Company's regiments in India. The augmentation of the charge incurred at home has been caused by an increase of the sums issued for officers' pay on furlough and retirement; by increased expense for King's troops serving in India; and by an increase in the quantity of territorial stores supplied to India.

15. Can you state what proportion of that increased charge is apparently of a permanent, and what of a temporary character?—An estimate has been prepared of the territorial revenues and charges of India for 1828-9, and that estimate indicates a deficit in 1828-9 of only £644,186. This, however, is arrived at, after crediting certain sums expected to be received in that year, which, I conceive, cannot be regarded as affording ground to expect the same amount of receipts in future years. I allude to arrears payable by the government of Ava, under treaty; and to the balance payable by the Gwalior state, which are applicable to that particular year. If we consider the average receipt of the three last actual years as that upon which to depend hereafter, then the receipt in future years will be £834,018 less than that shewn in this estimate for 1828-9; and in that case, supposing the charges in future years to remain at the same amount as the estimate shews, then the deficiency in future years would be £1,478,205, which can only be met by a reduction of charge.

16. In forming that calculation, do you use the rate of exchange fixed by the Board of Control?—Yes, I do.

17. Are you prepared to state what would be the amount of deficiency if the territory were to repay to the Company what is advanced by commerce in this country at the ordinary mercantile rate of exchange instead of the Board rate?—The pro-

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portion of the Indian revenues expended in England on the territorial account amounts, as already stated, on the average to £3,000,000 sterling annually. This sum is issued by the Company out of their commercial funds, and the amount so issued is repaid to the commercial branch in India at the rates of exchange fixed by the Board of Control. By this method the territory exchanges 2,58,62,069 rupees in India for £3,000,000 sterling in London. If the territorial branch had to provide this remittance by means of bills purchased in the Indian markets, it would require, according to the rate of exchange prevalent by the last advices from India, 3,13,04,349 rupees to produce £3,000,000 sterling in London; which, moreover, would not be paid until twelve months after the money had been issued in India; and the interest for twelve months would increase the cost to India to 3,28,69,566 rupees; which exceeds the sum now spent by 70,07,497 rupees, or, at the rates of exchange observed in the parliamentary accounts, £812,169 annually.

18. What is the rate of exchange used in these computations?—1*s.* 11*d.* the sicca rupee, that being the mercantile rate.

19. What then, at the mercantile rate of exchange, would at present be the total prospective deficiency of the territorial revenue?—It would be about £1,877,000 annually.

20. When you speak of the rate fixed by the Board of Control, and the Parliamentary rate of exchange, you mean the same thing, do you not?—The rate the Board fixed was the same as that used in the Parliamentary accounts.

21. Do you look forward to any diminution of the territorial charge defrayed in this country?—I apprehend that in one or two items there may possibly be a reduction; in the item of stores, for example; but in other items there will probably be an increase. The military pay and retirement are increasing, and seem likely still further to increase. The payments in this country, on account of allowances and annuities to civil servants, seem likely to increase. The demand in England for payment of interest on the debt is likely rather to increase than diminish; but there is an option possessed by the holders of a portion of the Company's paper of receiving their interest in England or in India, which option the home authorities have the power, at pleasure, of withdrawing.

22. Have the sums demanded as interest of Indian debt under that optional arrangement increased of late years?—They have.

T. G. Lloyd, Esq.

23. To any considerable extent?—(*Mr. Lloyd.*) They now amount to £450,000.

24. Is that a considerable increase on the former payment?—A considerable increase.

25. What proportion of the Company's paper is subject to

that option, and what proportion is not?—The total interest of the Company's paper subject to that option is £927,000, of which £450,000 has actually been demanded in England. 23 Feb. 1830. — *T. G. Lloyd, Esq.*

26. Can you state to the Committee what sum was demanded as interest of those optional loans in the year 1827?—So far as I can recollect, about £300,000.

27. In proportion as the sums payable in England on territorial account increase, the pressure upon the territorial finances for remittance to England must increase likewise?—Undoubtedly.

28. Can you look forward to any considerable reduction of those charges paid in England, which originate here?—I conceive not.

29. Can you state the nature of those charges?—(*Mr. Melvill.*) Pay to officers on furlough and retirement, and their off-reckonings; this item amounted to £388,072 in the last year. Passage of military, and supplies to them on the voyage, £72,730. Political freight and demurrage, £106,663. Political charges, included in charges general, £366,532. Pay-Office demands, being the expenses incurred in England for his Majesty's troops serving in India, £354,801. Retiring pay and pensions to his Majesty's troops, £60,000. Absentee allowance to civil servants, £36,369. Territorial stores consigned to India, £453,588. *J. C. Melvill, Esq.*

30. From what fund have the advances to territory in this country been made by the Company?—(*Mr. Lloyd.*) The sale proceeds of the Company's goods; the charges and profits on private trade; interest on the annuities due from the public; small remittances from the agent at the Cape of Good Hope; alms-houses at Poplar; the fee fund for the house and warehouses; the widows' fund; dividends on three per cent. stock; remittance from the North American colonies; sale proceeds of private-trade goods; customs and freight on those goods; and the tea duties. *T. G. Lloyd, Esq.*

31. Can you state what sum under those different heads has passed through the hands of the Company since the commencement of the present charter?—The total commercial receipts of the Company in the fifteen years has been £193,299,826, including the tea duty.

32. It has been from those large commercial funds passing through their hands that they have been enabled to make the large advances to the territory in those several years since the charter?—Exactly so.

33. To what have those advances amounted in any one year?—In the year 1823-4 we paid £5,291,586.

34. What is the sum now due by territory to commerce in consequence of those advances, exclusive of interest?—£3,184,000.

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T. G. Lloyd, Esq.

35. Will you state the several modes in which the territory has remitted funds from India in repayment of those advances?—Remittances have been made sometimes in bullion, sometimes by bills of exchange upon the departments of his Majesty's Government, but principally by means of consignments of merchandize either through China or direct from India.

36. Can you state the sums remitted under those several heads?—We have received in net produce of bullion, £3,566,927; we have received for bills for supplies to the public service in India, £2,169,277; we have received for the produce of spices sold for Government, £609,692. The advances on account of the Indian investments for Europe have been £20,069,928, which is without taking in the year 1827-8, of which the books are not yet in this country. The advances to China, in repayment of territorial charges defrayed, is £4,268,122.

37. Can you state what portion of the remittance from India has been made by means of merchants' bills?—We have not made use of that mode of remittance at all.

38. Have any attempts been made by the Company to obtain remittances by merchants' bills?—The Company have issued advertisements inviting tenders for bills on the several presidencies in India and on their factory at Canton; the whole amount tendered did not exceed £50,000, at the average rate, per sicca rupee, of 1*s.* $8\frac{985}{1000}$*d.*

39. Are you enabled to state at what average rate the sicca rupee has been remitted by the Company from India in goods since the commencement of the charter?—The average out-turn per rupee remitted in goods, deducting interest, has been 2*s.* $2\frac{69}{100}$*d.*

40. Can you state what would have been the average out-turn of the rupee during this period, if remitted in bills at the mercantile rate of exchange?—By bills drawn from Calcutta, deducting the twelve months' interest included in the rate, it is 2*s.* $1\frac{69}{100}$*d.*

41. The difference, therefore, in favour of the remittance in goods, appears to be 1*d.* the rupee?—Exactly.

42. Can you state what advantage the Company has derived since the commencement of the charter, from remitting in goods rather than in merchants' bills?—£800,660.

43. Can you distinguish the portion of the remittance from India through China which has been remitted in bills upon India, from the portion obtained by proceeds of goods sent to Canton?—The amount remitted to Canton by bills on India has been £5,099,767; the proceeds of goods from India to China has been £4,538,743.

44. Can you state the average out-turn of the rupee remitted from India through China?—The rate of remittance per sicca

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rupee, through China, without interest included in that rate, has been 3*s*. $7\frac{57}{100}$*d*.

45. Will you state the out-turn of the rupee remitted from India through China, in the last year of which you have the account?—3*s*. $4\frac{48}{100}$*d*.

46. Will you state the out-turn of the rupee remitted direct from India, according to the last account?—It is 1*s*. $9\frac{70}{100}$*d*.; that is, in merchandize.

47. For that rupee producing 1*s*. $9\frac{70}{100}$*d*. in merchandize, the Company have reimbursed 2*s*. 3*d*., have they not?—Nearly 2*s*. 4*d*.; 2*s*. $3\frac{84}{100}$ *d*.

48. Are you enabled to state the total amount of the commercial capital of the East-India Company appropriated to territorial purposes under the Act of the 53d George III.?—The total commercial capital of the Company abroad and at home, on the 1st of May 1828 (England), and the 1st of May 1827 (India), was £21,731,869.

49. That is exclusive of any claim they may bring forward to any property in the territory previous to the year 1814?—Yes, exactly.

50. What is the sum received by the proprietors of East-India stock in annual dividends?—£630,000 a year.

51. What interest does that sum give on the total amount of their commercial capital, as you have stated it?—Less than three per cent.

52. What is the present valuation by the Company of their several claims on the territory?—The total amount is estimated to be £12,044,934, exclusive of territory acquired by grant, cession, or purchase, previously to the grant of the Dewannie.

53. Will you state the items?—Up to the year 1780 it was computed, in a petition presented to Parliament by the Company, that the charge incurred by the Company in the wars, which led to the acquisition of the territory, in excess of the sums afterwards derived by them from the revenues, amounted, exclusive of any charge for interest, to £3,616,000. An estimate has been recently made of the balance of supplies between India and England, from the year 1780 to the year 1793; from which it appears, that India returned to England short of the funds sent thither and the amount of payments made at home on the territorial account, this result being also exclusive of the charge for interest, £6,829,557. An estimate, upon a similar principle, continued from the year 1793 to the 1st of May 1814, and principally drawn from statements exhibited to the Committees of both Houses of Parliament in 1813, shews a further short return from India, being, as in the two previous instances, exclusive of interest, of £1,599,377.

54. Has any application been made by the Company to Par-

23 Feb. 1830. liament for pecuniary assistance since the commencement of the present charter ?—Not any.

T. G. Lloyd, Esq.

55. The whole disbursements made here and in India on territorial accounts have been made from the territorial and commercial funds the Company possess ?—All the advances have been made from their own funds.

J. C. Melvill, Esq.

56. Will you state the capital of the Indian debt; has it increased since 1814?—(*Mr. Melvill.*) It has. The principal of the debt amounted on the 1st of May 1814 to £27,002,439; and on the 1st of May 1827 to £34,796,836.

57. What was the annual amount for interest on the debt at the former and at the latter period?—On the 1st of May 1814, £1,502,217; and on the 1st of May 1827, £1,749,068.

58. What is the present charge of the interest of that debt, so far as you can estimate it ?—It was £1,912,725 on the 1st of May 1828; the increase being caused by the augmentation of the debt in the last year.

59. What has been the variation in the rate of interest during that period?—The average rate of interest was six per cent. in 1814, and five per cent. in 1828.

60. What was the amount of interest payable in India on the Indian debt previous to the commencement of the Burmese war?—In 1822-3 it was £1,694,731, and in 1824-5 it was £1,460,433.

61. When you estimate the present amount of interest on the Indian debt, to what period do you estimate it?—To the 30th April 1828.

62. What do you apprehend to be the present interest payable on that debt?—About £2,100,000.

63. At what period did the reduction of interest from six to five per cent. take place?—In 1822-3.

64. Will you state the surplus of revenue, both in India and in England, in the last year of Lord Hastings' administration? —The surplus in 1822-3 was £1,363,479, omitting the extraordinary payment in that year of £1,300,000, in discharge of the loan from the public.

65. What was the surplus in the previous year?—£520,218.

66. Between that period and the present the total revenue of India has increased, has it not?—In the year 1826-7 there was an increase; and the estimate for 1827-8 indicates a further increase.

67. To what extent?—The revenue in 1826-7 was £23,327,753; whereas in 1821-2 it was £21,753,271; and in 1822-3, £23,120,934.

68. Has that increase of revenue you have stated proceeded chiefly from the imposition of new duties, or from the increased produce of duties previously existing?—Chiefly from duties

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previously existing. There has been an extension of the stamp duties to Calcutta, which has caused it in part; but it is chiefly from increases from old sources of revenue.

69. Is there not an apparent rather than a real increase in the receipts from the salt and opium, in consequence of the greater extent of advances made now?—I think not in the years since 1823-4; but in the whole of the period since the charter, a large increase, in consequence of the Malwah opium arrangements, which is in a great measure nominal.

70. Can you account for the charges on the subsidies collected from the native princes being so high as thirty per cent. on the net receipts?—I apprehend that the charges include the payments we are bound by treaty to make to those native princes. The Company collects the whole of the revenue in gross, and accounts to the native prince for his portion of it fixed by treaty.

71. Can an account be prepared in this country, giving the particulars of those charges?—It can.

T. G. Lloyd, Esq.

72. What was the rate of commercial exchange at the time of the renewal of the charter?—(*Mr. Lloyd.*) The rate of commercial exchange in the year 1814-15 was, for bills drawn from Calcutta on London, 2*s.* $6\frac{5}{100}$*d.*

73. In the estimate of the advantage gained by the territorial account as compared with the commercial, have you from year to year compared the actual mercantile exchange with the exchange settled by the Board of Control, or is the comparison made on the aggregate of the whole transaction during the whole term of the charter?—From year to year.

74. Can you state what is the greatest difference that has at any time occurred between the commercial and the Parliamentary rate of exchange?—In the year 1824-5 the difference was $5\frac{9}{10}$*d.*

75. Have you any account which would shew the out-turn of the rupee remitted from India in the several years since the charter, in bullion, by the merchants, by the Company, and in bills of exchange at the mercantile rate?—We have such an account; I can furnish that account; I have it not with me.

J. C. Melvill, Esq.

76. You mentioned that the excess of expenditure above the revenue, which has arisen chiefly during the last three or four years, was occasioned by some charges which would only be of a temporary nature; could a return be made from the India-house, distinguishing those which would be of a permanent nature from those which are but temporary?—(*Mr. Melvill.*) Not further than is indicated by the estimate; the particulars of which have been explained to the Committee.

T. G. Lloyd, Esq.

77. You mentioned, likewise, that it was an advantage to make returns from the east rather in merchandize than in bills;

23 Feb. 1830. is that advantage equally applicable to the China as to the Indian trade?—(*Mr. Lloyd.*) Clearly so, in a greater ratio.

T. G. Lloyd, Esq.

The witnesses are directed to withdraw.

Ordered, that this Committee be adjourned to Thursday next, twelve o'clock.

Die Jovis, 25° Februarii 1830.

The Lord President in the Chair.

HENRY WOOD, Esq. is called in, and examined as follows:—

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78. What situation did you hold in Bengal?—When I came away I was Accountant-General, President of the Bengal Bank, a member of the Mint Committee, a member of the Board for the Superintendence of the Improvement of the Cattle throughout India, and a Member of the Committee for the Improvement of the Town of Calcutta, and Government Agent for the Management of the Public Property.

79. During what period did you hold the situation of Accountant-General?—From December 1822.

80. From the date of Mr. Sherer's departure?—Yes.

81. Down to what period?—To January 1829.

82. You are aware that a very large increase of civil charge took place in Bengal during that period?—I beg to refer to the report on the table.

83. There was a very large increase of civil charge?—There was an increase. Every detail is given in my report.

84. Do you refer to the printed paper?—I refer to my last report. I can from that give the detail of amount.

85. Will you state the increase of civil charge from the time you took possession of that office down to the time at which you left it?—I can state the total under each head. In the general department for 1823 and 1824, the amount was 1,21,57,000 rupees (this is only for Bengal); in 1826 and 1827, 1,73,71,000 rupees.

86. Under what particular heads had that increase taken place?—The durbar was 5,40,000 rupees in 1823-4; and in 1826-7, 10,42,000 rupees.

87. State the reasons for that increase?—The detail is very voluminous, and is stated in this report of 1825-6, when compared with 1826-7.

88. What is that you have in your hand?—My annual report,

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shewing the dates of increase in 1826-7, as compared with 1825-6, and with the years 1826-7 and 1813-14.

89. Where would the reasons for the increase be found?—The dates refer to the different minutes of council in which the increases were authorized.

The witness is directed to withdraw.

The accounts referred to by the witness are examined by their Lordships.

Ordered, that this Committee be adjourned till to-morrow, two o'clock.

Die Veneris, 26° Februarii 1830.

The Lord President in the Chair.

26 Feb. 1830. — J. W. Sherer, Esq.

JOHN WALTER SHERER, Esq. is called in, and examined as follows:—

90. What was your situation?—I was the Accountant-General in Bengal.

91. For what period did you hold that situation?—From January 1816 to December 1822.

92. What were your peculiar duties in the situation of Accountant-General?—To advise the Government on all financial concerns; to keep them acquainted with the receipt and disbursements of the country; to provide funds for the service in every quarter; and to superintend the accounts of all the departments.

93. If any new charge was proposed in any department, was it your duty to report on that proposed charge before it was sanctioned by the Government?—No. If it was in the Board of Revenue, it would be discussed in the Board of Revenue and be settled by the Government there; and so of other departments.

94. Is there in Bengal any officer who intervenes between the Board proposing an increase of charge and the Government who have to sanction it?—No; but Government refers all general financial questions to the Accountant-General, for his report.

95. When any increase of charge of any description is proposed, is it referred to the Accountant-General for his opinion?—No, it is not.

96. Is there any other officer to whom any proposition of increase would be referred?—No; no financial officer that I am

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aware of. The Auditor would report the circumstance, and bring it again under the notice of the Government when it was charged, and state the authority and the grounds of the charge, and get it again sanctioned in the course of the process of auditing and passing.

97. Would it be his duty to give his opinion as to the propriety of sanctioning the increased charge?—No. If it has the authority of the Government, it is passed under that authority; if it has not the authority of Government, he calls the notice of Government to it, and remarks upon it according to his information.

98. But neither the Accountant-General nor the Auditor could form any check whatever on the increase of charge?—No; the grounds of it originated in some other department.

99. Nor is there any check on any increase of charge, other than that of the Government itself?—No; except that the Accountant-General and the Auditor would, in their respective departments, bring to the notice of Government any extravagance which they might notice. That they consider themselves authorized to do, but it is not a specific part of their office.

100. Did any considerable increase of charge take place during the time you held the situation of Accountant-General; of civil charge especially?—No very considerable charge; there was an increase in the charge of interest, a military increase. There was a new board instituted in Bahar, and two or three new collectorships, and a few embassies to foreign courts, and charges of that kind, but nothing further.

101. Was the permanent civil charge, independent of those fluctuating charges to which you have referred, considerably greater when you left the situation of Accountant-General in 1822 than it was in the year 1816, in the old provinces which were in our possession in 1816?—No, I am not aware of any considerable increase.

102. Did the expense of collecting the revenue increase during that period?—I think there were considerable surveys carried on during that period, and deputation services, which of course increased the revenue charge somewhat.

103. That would increase the extraordinary, but not the permanent charge?—No; I am not aware of any increase of the permanent charge, in the rate of charge.

104. Did it appear to you that, at that period, the establishment for the purpose of collecting the revenue was deficient?—I considered it adequate. In fact, the estimate, as formed for the year 1823, before I quitted India, involved a decrease of charge, both at Madras and in Bengal; and the estimate was realized, as appeared by accounts dated thirteen months after I left Bengal.

105. Was there any increase of charge in the judicial de-

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partment?—I am not aware at present; there may have been, but nothing of magnitude, to my recollection.

106. Did it appear to you that the judicial establishment was adequate to all the purposes that were required?—I heard no complaints to the contrary. I have not a personal knowledge of that.

107. At the period at which you quitted your employment, did it appear to you that there were some charges capable of diminution?—I think a revision of the establishment was anticipated at that period, with a view to any possible reduction; but I do not think there was much prospect at that time of reduction.

108. Was there a deficiency of the revenue in the first years of your charge; was there an excess of expenditure, taking India and England together?—Yes, there was; the Indian surplus was very low in the first year, compared to the year I quitted.

109. In the year in which you quitted your situation, namely, 1822, was there a surplus, with a view to both the Indian and the charges in this country?—A very considerable surplus; after providing for the home charge there was a surplus applicable to the reduction of debt at that period.

110. At the period at which you quitted your situation, did you see any reason for increased charges in any of the civil departments which came under your view?—It was in prospect to revise the establishments, with a view to reduction, at that period. Though much reduction was not anticipated, still it marked that the Government regarded the establishments as adequate at that time, since they were going to revise them, with a view to reduction.

111. Did you see any department in which it appeared to you reduction could take place without detriment to the public service?—No; I should have considered it my duty to bring it to the notice of the Government directly, if I had seen that to be practicable.

112. Was not that the object of the revision then in contemplation?—Yes; it was in contemplation to form committees to inquire whether reduction was practicable.

The witness is directed to withdraw.

SAMUEL SWINTON, Esq. is called in, and examined as follows:

S. Swinton, Esq.

113. What is your occupation?—I was in India for thirty-three years.

114. In what capacity?—As a civil servant.

115. In what situation were you?—I was a Commercial

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Resident at several stations; latterly I was in Malwa as Opium Agent.

116. The agent employed by the Government?—Yes.

117. You at one time held the situation of chief of the Board of Salt, Opium, and Customs, did you not?—I did.

118. Can you explain to the Committee the nature of the monopoly of opium in the provinces of Bahar and Benares?—I could not explain them; they were fully reported in the reports at the India-House; it requires a great deal of detail to do so; they are fully explained in the records at the India-House.

119. The Committee wish to know in what manner the cultivation of opium is regulated; how the Company acquire the opium, and in what manner they make their profit upon it?—The advances are made to the Ryots, and those Ryots deliver the opium in a pure state to different Gomasters, who forward it from time to time to the principal station at Patna, where it remains some time stored, and is afterwards made up into cakes, and is then sent down to Calcutta.

120. Are other persons than the officers of Government permitted to purchase opium?—None.

121. Is there a fixed price for opium?—Yes; three rupees a seer.

122. When was that price fixed?—I cannot recollect. It was formerly only two and a half. It was raised to three rupees, I think, in the year 1819 or 1820; but I cannot state the exact period.

123. Do you know why the price was raised?—It was raised because the Ryots were not satisfied with the price they then received, and to encourage cultivation.

124. Are you aware whether the quantity sent has increased much of late years?—It has certainly increased.

125. Can you state to what extent?—No, I cannot.

126. What price do the Government obtain for the opium for which they pay three rupees a seer?—That is according to the demand. It is sold at public sale, and sometimes it sells higher and sometimes lower, according to the state of the market, or the demand in China.

127. Has the demand in China increased much of late years?—Considerably.

128. Can you state to what extent?—I cannot, from memory.

129. Do you know what circumstances have led to that extension of demand in China?—I cannot state that; it never came before me officially.

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130. Has the opium of Bahar and Benares maintained its reputation of late years?—Certainly not.

131. To what circumstances do you attribute that?—To its not being brought in a pure state to the market, I believe.

132. Is that the fault of the Ryot, or the Government agent? —It probably arises from some fraud, but where that fraud is I cannot tell; it must arise from fraud.

133. Was any person sent down into the country to ascertain with whom that fraud originated?—Not to ascertain with whom that fraud originated; but I believe persons were sent to endeavour to have it brought as pure as possible to the market, and to reject it if it was in an impure state.

134. Did the depreciation of the opium take place before it came into the hands of the Government agents, or subsequently?—I should rather imagine previously to its coming to the Government agents' hands.

135. Is there not a manufacture of opium after it comes into the hands of the Government?—None, but its being made up into cakes.

136. Is any art required in making it up into cakes?—It requires that the person should be conversant with it.

137. Does the opium depend at all on the degree of perfection with which that operation is performed?—No; I believe it is solely with regard to the pureness of the opium.

138. Do you know the relative price in the market of the Bahar and Malwa opium?—I cannot say; the Malwa opium generally sells in China two or three hundred dollars a chest higher than the other.

139. What is the price of a Bahar chest of opium?—That depends entirely upon the market; it sells from 2,000 to 4,000 rupees.

140. You state that the Malwa opium sells for two or three hundred dollars more than the Bahar; what was the price of Bahar opium?—I cannot state that from memory.

141. Have not the advances to the Ryots increased very much of late?—I am not aware that they have.

142. What proportion of the whole price of the opium is advanced previously to its delivery into the hands of the Government agent?—I believe generally the whole of the three rupees is advanced previous to its delivery to the Government agent; but I refer you to the Regulations.

143. For what purposes were you sent as Opium Agent into Malwa?—Previous to my being sent there, the agent who was employed by the Bombay Government had purchased the opium at uncommon high rates; it was supposed that by a different kind of management the opium might be purchased

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144. What measure did you adopt on being deputed into Malwa?—It is so long a period, and as I have not the paper by me to refer to, perhaps it will be better that I should refer your Lordships to the reports which are in the India-House; they are very full.

145. In consequence of any recommendation on your part, were any treaties entered into with any of the princes of Malwa?—Yes, there were.

146. State the nature of those treaties?—The object of those treaties was to make the native states participate in the advantages which were derived from the opium monopoly; but I cannot speak further, and state all the circumstances of those treaties, but generally they gave them some advantages.

147. Did they contain any stipulation on the part of the native prince for diminishing the cultivation of opium in his dominions?—They did; on every thousand surat maunds of forty pounds less produce they were to receive a sum of twenty thousand rupees as a bonus.

148. What further advantage was the prince to receive?—If my memory serves me right, he was also to receive the profits on five chests in every one hundred maunds.

149. Did he further stipulate to furnish any quantity of opium at a certain price to the Company?—He did.

150. Was that price much below the price at which it had been obtained by the Bombay agents?—Considerably.

151. Can you state the difference?—The Bombay agent had paid from sixty-five to one hundred and odd rupees for a punsury, which is five seers; a punsury contains ten pounds English weight.

152. What did you pay under the treaty?—Thirty rupees.

153. What was the value of the Halee rupee current in Malwa?—From seven to eight per cent. inferior to the sicca rupee at the Mint.

154. Is the seer of Malwa the same as the seer of Bengal?—The seer at which I bought opium was the same with that at Patna; I believe the seer current in the bazaar is different.

155. Paying, therefore, three rupees a seer for opium in Bahar, and under the treaty thirty rupees for five seers at Malwa, you paid twice as much in Malwa as you did in Bahar?—Exactly.

156. Can you state the selling price at Bombay of the punsury of five seers in Malwa, for which you have paid thirty rupees?—I cannot from memory.

157. Can you at all state, whether the price of the Malwa opium, when sold by the Company, bore the same relation to

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the price of Bahar opium, when sold by them, that the original prices paid by them for the Malwa opium bore to the price paid by them for the Bahar opium?—No, I cannot state the prices; I have no recollection of them. I had nothing to do with the sale of opium; it never came before me officially.

158. Do you know whether that provision of the treaties of which you have spoken, by which the cultivation of the poppy was to be diminished in the territories of those princes, was carried into effect?—While I was in Malwa—it was by slow degrees—I think it was real—I am led to say so from my own personal observation—it was reduced in some places.

159. Are you aware whether, previous to the formation of those treaties, any great extension of the cultivation of opium had taken place in Malwa?—I believe it had.

160. Can you state to what extent?—I cannot.

161. Had the prices been such as to encourage cultivation to a great extent?—Certainly.

162. You are aware that since you have left Malwa there has been represented to the Government to be so much discontent on the part of the Ryots in Malwa, and so much disinclination on the part of the prince to the continuance of those treaties, that it has been recently determined by the Government to give them up?—I have heard that.

163. Are you aware that it was represented, that in point of fact the cultivation was not very much diminished; that the dissatisfaction of the people was very great; that a contraband trade was carried on to a very great extent through those countries with which we have not formed treaties; and that opium was carried in such quantities through the territories, particularly the Oudepoor, to the Indus, and thence to the ports of Diu and Demaun, as practically to interfere to a very great extent with the beneficial consequences which were expected from those treaties?—I have heard that; but I cannot say any thing further. I can only reply to what occurred when I was in Malwa.

164. Will you state with what native princes the treaties have been concluded?—Holkar was one; Boondee; Kotah; Oudepoor; and all the petty chieftains in Malwa.

165. There was, however, no treaty with Scindia?—None.

166. And without having a treaty with Scindia, from the particular position of his territories, it was found to be impossible to confine the opium to Malwa, to prevent the exportation?—It was difficult, but not impossible.

167. Those treaties being now abandoned, no restriction being any longer placed on the extent to which the poppy may be cultivated in those districts, and the transport of opium being perfectly free through all the dominions not positively subject to the British power, what effect do you apprehend that

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will have upon the benefit to the government of India from their monopoly of opium in Bengal?—I apprehend it will almost entirely endanger it; that the monopoly can barely exist under it.

168. You think that the quality of the Malwa opium, and the price at which it can be furnished to the Canton market, is such as to make it almost impossible for the other governments of India to realize any considerable profit upon their opium from Bahar and Benares?—They will still derive a considerable profit, but not any thing equal to what they did upon the monopoly.

169. Are you aware whether the quality of Malwa opium had improved very much previous to the formation of the treaties? —I was deputed in consequence of the Malwa opium being very much inferior and very much adulterated. One of the objects of my mission was to endeavour to have it brought in a purer state to the market. I succeeded; and to that I attribute the Malwa opium being now considered so much superior to the Patna.

170. Before your deputation into that country, did the price of Malwa opium bear a different proportion to the Bahar opium to that it has done since?—Yes.

171. Was it superior or inferior?—Inferior.

172. What is the size of the chest?—There are two maunds in a chest; there are forty seers in a maund.

173. The treaties being given up with those native princes, do you think it will be possible for the British Government to throw any material impediment in the way of the transport of the Malwa opium to the coast?—Impediment they may throw; but no restrictions will be so effectual as those which the treaties gave us.

174. Will the impediments which they can still throw in the way of the carriage of Malwa opium to the coast be such as to give them, as purchasers in the Malwa market, a material advantage over their competitors?—Certainly some advantage.

175. By what route will it now be possible to carry Malwa opium to the sea, avoiding the territories of the Company and their tributary states?—Speaking from memory, I feel it difficult to give an answer; but I fancy through the Oudepoor states.

176. Must it go to the Indus?—I do not think that is necessary, but that is the principal route.

177. Where could they touch the sea?—I do not at this moment recollect.

178. Will you refer to the map, and see whether there are any countries, not under the government or influence of this country, through which the opium might be carried to the sea?

—[The witness refers to the map.]—I think, looking to the map, that it might get to the Gulf of Cambaya.

179. Can you state at what profit a Ryot can grow opium a seer?—I cannot from memory.

180. Is it an object much sought for by the Ryots, the advances on opium?—I had rather speak with regard to Malwa: there the Ryots derive very little profit from it. As to Bahar, it is so many years since I was in that part of the country that I do not wish to state from memory.

181. Is any opium grown by the East-India Company?—None.

182. Is any body at liberty to grow it that pleases?—Certainly not.

183. Under what regulations is any one at liberty to grow the poppy?—There is a regulation of Government upon the subject, to which I would wish to refer your Lordships, not bearing it distinctly in mind.

184. Is it by license?—Under that regulation it is.

185. Do you believe there is any illegal sale of opium going on in Bahar or Benares?—There may be a little smuggling; to a trifling degree.

186. What are the penalties attached to such illegal sale?—The seizure of the article, and a fine, I believe; but I would rather refer your Lordships to the regulations: I do not bear them in mind.

187. Do you conceive it to be impossible for the Ryots to cultivate the poppy, unless the Company begin by making them an advance equivalent to the price they afterwards give?—I must decline answering these questions on oath. Every thing is stated in the regulations so fully, I would rather refer to them.

188. Would it be, in your opinion, impossible for a Ryot to cultivate the poppy, without borrowing the money, in the first instance, from the Company?—I apprehend they are too poor to do that.

189. It is a cultivation which requires a considerable expense both in manure and in irrigation, does it not?—Yes; a great deal of care in the cultivation, and it can be only in the finest soils.

190. Is there any restriction existing which would prevent a person possessing a little capital carrying on the cultivation of the poppy, and confining it to the Ryots?—It can only be cultivated by the Ryots; no Zemindar would ever think of doing it.

191. Do you mean that he has no power of doing it by the regulations of the Company?—He is by no means restricted, provided he chooses to enter into an engagement to deliver the produce to the Company at the stipulated price.

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192. So that the practical result is, that no person of capital engages in the cultivation of that article?—Certainly none, that I know of.

193. Can you state the general proportion between the advance and the produce?—I cannot.

194. Are losses frequently incurred by the failure of the crop, and the advance being less than the crop will produce? —I cannot state the extent, but they must be incurred in that as they are in other things.

195. Does that stand over as a debt to a future season, or in what manner is the loss made up?—Sometimes it does, and sometimes it does not; there is a degree of discretionary power left with the agent.

196. Do you know into what conditions a person enters who undertakes the cultivation of opium in the provinces of the Company?—He stipulates to deliver the produce at a certain price.

197. Any person may cultivate it who does that?—Yes.

198. By whom is that price fixed?—It has been long established.

199. Is it fixed by the Company?—Originally by the agent.

200. Does it undergo an examination of quality as well as of quantity?—Certainly.

201. In what manner do you calculate the advances to be made to the Ryot?—It is generally ascertained what is the quantity of land he has that is equal to the produce of a certain quantity of poppy, and it is tolerably well ascertained what an acre will yield; and according to what he engages to deliver, he receives his advances in proportion.

202. It is on an estimate of former years?—Yes.

203. With respect to the cultivation of opium in the provinces of Malwa under the independent princes, and before the treaties, was the cultivation carried on under the control of the prince in the same manner as in our own provinces under the control of the Company, or was it free to the cultivator?—Under the princes it was free to the cultivator, but the cultivator was generally under restrictions of the Zemindars.

204. Were those restrictions to deliver the produce at a certain fixed price?—I cannot tell exactly what their private agreements were, but I know that restrictions did exist.

205. Are you acquainted with the circumstances under which opium is grown in the Portuguese settlements?—I am not.

206. Are you aware whether opium grown in the Portuguese settlements, sells in China and elsewhere at the same rate as the opium sold by the Company?—I am not.

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207. Can you state whether the form of the balls in which opium is made up, and the size of the packages in which it is afterwards packed, has been lately altered, with a view to forward its illicit introduction into China?—In Malwa the cakes have always been the same; they are different from those made at Patna.

208. Has there been any alteration that you are aware of lately made in the way of packing?—Not in Bengal, that I am aware of. I left the Board in 1823, and have been in Malwa since that time.

209. The large price given by the Bombay agent for Malwa opium was given before the formation of any treaty?—Yes.

210. Can you tell what the total price to the Company was of the Malwa opium under the treaties, when they gave thirty rupees for a punsury, and besides that a certain premium to the chief, and a certain portion of the profit upon part of what they sold?—I cannot, upon my oath, say exactly what it was, though I could, in a rough kind of way, probably state it.

211. Will you state your general idea what it amounted to?—By the chest, I believe it amounted to about 720 rupees a chest, including all those charges, and the allowance made to the chief; but I beg to state that I merely state from the recollection of the moment.

212. How many seers does a chest contain?—It ought to contain 80 seers or 160 lbs. A chest contained only 140 lbs. of opium, for the seers with which the chest sare packed are what are called the factory weight. There are such a number of different kinds of maunds; the bazar maund, 80 lbs.; the factory maund, 72 lbs 11 oz. It is brought as near as possible to the pecul chest, containing 133 lbs.; but there is a considerable allowance for dryage of opium.

213. Are you acquainted with the relative properties and qualities of the Turkish and East-India opium?—I am not.

214. You cannot state whether it is probable that a greater importation of Turkish opium into Canton would interfere with the sale of the British opium?—I cannot; I can speak only from hearsay. It is of an inferior quality, I understand.

215. Are you at all acquainted with the circumstances of the American trade in opium?—No.

216. Is it an easy thing to measure the quantity of opium, in matter of adulteration of strength?—A person who is accustomed to it can do it.

217. Complaints have been made that some of the opium grown by the Ryots was adulterated?—That can be ascertained.

218. What happens when it appears to the commercial agent that it has been adulterated; does he require a larger quantity,

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or refuse the article.—If it is adulterated, he rejects it altogether.

219. What happens as to the advance which has been made for it?—The advance then becomes a debt of his to the person who made the advance.

220. How is the opium sold by the Company; by sample, or otherwise?—Any number of chests are opened, and the buyers have an opportunity, previous to the sale, of looking at it.

221. Is there not a guarantee on the part of the Company, that the opium is of a certain quality?—Certainly. The guarantee is made by the agent. The agent sends down, with every despatch of opium, a guarantee of the quality.

222. Is there any other part of the East besides China to which there is a considerable export of opium from the East-India Company's possessions?—That is a question I cannot answer, as the subject never came before me officially.

223. Did you ever hear that there was any considerable export to the Malay Islands?—I must beg to decline returning a hearsay answer; there are a great many things I may have heard that I cannot vouch for.

224. You do not know that there has been any large export of opium to the Malay Islands?—Officially, I do not.

225. Do you know how long the zemindars have possessed the liberty with respect to the cultivation of opium which you say they now have?—I do not.

226. Are you aware that formerly there was an extremely severe restrictive system pursued with respect to the cultivation of opium?—The same that exists now, I believe; I am not aware of any alteration.

227. Has there not been a considerable change within the last twenty years?—Not that I am aware of.

228. Was it not formerly the case, that the native proprietors of land were absolutely prohibited from cultivating opium?—Where there was an opium agent, not. I believe that in certain districts where the opium grows, those districts where inferior opium grew were abandoned.

229. Was not that formerly the case in Bengal, where the opium was formerly almost exclusively grown?—The provinces of Bahar and Benares are the only two districts where opium is grown under the Bengal presidency.

230. Formerly, were not the proprietors of land absolutely prohibited from growing it for themselves?—In other districts beyond those of Bahar and Benares, in the heart of Bengal, it is not allowed.

231. Are the collectors of land-tax encouraged by the Government to collect opium by any recent regulation?—They are.

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232. Can you state what per-centage they are allowed to derive?—I forget that.

233. Do the same regulations apply to Bahar and to Malwa? —No; they are entirely different.

234. Does any opium grow in any district of the Company's in Malwa?—I am not aware of any.

The witness is informed that it is wished he should give the best information in his power, without regard to the question whether it came within his knowledge officially.

235. Are you practically acquainted with the salt monopoly in Bengal?—I was, but so many years have elapsed since I left the Board, that probably my memory will not serve me with regard to the circumstances connected with it.

236. Can you state in what manner that monopoly was conducted at the time you were acquainted with it?—So many years have elapsed, I cannot charge my memory with that.

237. By whom was the salt manufactured?—By an agent on the part of the Government.

238. Was no other person permitted to manufacture salt?—No; the Molungees are the persons who manufacture the salt, under the direction of the agent.

239. Can you tell the cost of the salt to the Government?—I cannot now; it has varied a little since I left the Board.

240. Can you tell what profit was made by the Government on the salt?—I can state what the amount of the profit was on the sales in Calcutta for some years; I have a memorandum of that: here I see that in the year 1819 it was 1,11,42,639 rupees.

241. Is that the gross receipt, or the net profit?—That is the net profit. In the year 1827-8 it was 1,82,78,185 rupees. Since the formation of the Board over which I presided there was a regular improvement in the produce.

242. In what manner was that improvement effected?—By a more active superintendence on the part of the officers of the Board.

243. Do you mean in the prevention of smuggling?—Partly.

244. Can you state the price at which the salt manufactured by Government was retailed to the people?—It was sold to them in the market at monthly sales to the highest bidder.

245. Their profit depended upon keeping the supply within the demand?—Exactly so.

246. Has the supply increased of late years?—Certainly.

247. To what extent?—I cannot state the extent.

248. Are you enabled to state the price of any particular quantity of salt when retailed to the people?—From three to

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four rupees, that is, from six to eight shillings a maund, was about the price; the maund being eighty English pounds.

249. What do you apprehend had been the cost of manufacture of a maund of salt?—It varies according to the place.

250. Do you apprehend it would be possible to increase the salt revenue by increasing the quantity supplied to the people?—Certainly not.

251. You think the largest possible revenue is effected by the present limitation of supply?—I apprehend it is; the attention of the Board is always directed to the ascertaining the quantity required.

252. Nevertheless, the amount has increased?—Yes; as the population increases, their sales increase in the same proportion.

253. Are you acquainted with the salt monopoly at Madras?—I am not.

254. When you mention the profit on salt, what rupee do you refer to?—The sicca rupee.

255. Is the salt manufactured from salt springs, or ponds into which the water is admitted?—I do not know the mode in which it is manufactured.

256. Do the Company carry on the manufacture of salt at all?—It is carried on by the Molungees, who manufacture under the agent.

257. No other person is permitted to make salt?—None but the Molungees.

258. The Company have not only a monopoly of sale, but a monopoly of the manufacture also?—Yes, by auction.

259. Has the demand for salt increased?—Certainly; it has regularly increased.

260. Has there been of late years any variation in the price of salt?—Not much, I apprehend.

261. So that, though the demand for salt has increased, the public have not had it at a cheaper rate?—The quantity has increased in proportion; there has been a regular increase.

262. The supply has not increased in such a proportion as to bring it at a cheaper rate to the consumer?—No, I am not aware that the consumer has got it cheaper; it is sometimes four rupees and a half, and sometimes two rupees and a half, according to the quality.

263. Can you state the number of labourers employed in this manufacture?—I cannot.

264. Can you state the mode in which they are paid?—I cannot.

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265. Can you state whether they are generally in debt to the Company?—I cannot.

266. Can you state what proportion of salt is consumed over and above that manufactured by the Government?—Not much; I think a mere trifle.

267. You do not think so much as one-fourth?—No, nothing like it, I should think.

268. To whom are the advances made?—To the Molungees.

269. Are there any particular laws applying to that description of people?—There is a regulation respecting them.

270. If a man has once been in that trade, cannot he be always forced back to it, if it is necessary?—I believe not.

271. Is the mode of preparing salt that is pursued very unfavourable to health?—Wherever salt is made, it is always made in an unhealthy situation.

272. If a man has been a Molungee, and employed on salt, can he ever cease to be a Molungee?—He certainly can.

273. He cannot be compelled to return to his employment if he leaves it?—No, unless he happens to have fallen into heavy arrears.

274. Is their falling into heavy arrears common?—That is according to the character of the individual.

275. Are the Molungees a particular caste of natives?—I am not aware that they are. A man who has engaged to furnish one hundred maunds of salt is bound to do it; and if he cannot do it one year, he must do it the second year.

276. Are you acquainted with the administration of the land and sea customs in Bengal?—I ought to be.

277. You were at the head of that Board for some time?—I was; and I was the person who reformed the custom-houses in Bengal.

278. At what period was that?—The reform began in 1814.

279. Have there been any considerable reductions of the transit duty since that period?—Since I left the Board, there have been.

280. At what places in Bengal is the transit duty collected? —At the custom-houses.

281. Where are those custom-houses situate?—One customhouse is at Calcutta. In Chittagong there are sea customhouses. The collections of Chittagong are trifling. The transit duties are collected at Moorshedadad, Hoogly, Patna, Dacca, Mirzapore, Cawnpoor, and Furruckadad, so far as I recollect.

282. Are any restrictive measures adopted for the purpose of forcing the goods into the custom-houses of those towns you

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have mentioned ?—There are no means adopted to force them; no goods can pass the chokies without paying them.

283. The chokies extend into the country ?—There is a regulation fixing the extent of every chokie.

284. From those centres do those chokies cover the greatest part of the chokies country ?—No; they only cover the banks and mouths of the rivers.

285. The great roads of communication ?—The great roads of communication only.

286. Are those transit duties collected at any very great charge ?—They must necessarily be so.

287. Are you aware that that charge has increased largely of late years, when compared with the receipts ?—The receipts having diminished, the charges will appear large in proportion; when the receipts were larger, the charges formed a small percentage.

288. Do you know whether the charges themselves have increased ?—I am not aware that they have.

289. Have you been able, from your situation, to discover the effect produced on the internal prosperity of the country by the transit duties ?—Certainly.

290. State the effect you think they have produced ?—I am not aware that they injured the trade in any way of the fair trader; they might affect the smuggler, or the man who wished to evade the duties, but not otherwise.

291. Do you think they create no embarrassment, or no interference with the internal communication of the country, so as to diminish its prosperity ?—Certainly not, as far as my observation went.

292. What would be the effect of taking off the transit duty on cotton ?—It would enable the cotton to come to the Calcutta market at a lower rate, certainly.

293. What is the amount of transit duty on cotton ?—I cannot state that from memory.

294. Is a very large proportion of the transit duty collected on the transit of cotton ?—A very large proportion; but cotton principally grows in countries not our own, and it is paid on the frontiers: a large proportion at Agra; a small proportion at Mirzapore; but the largest proportion, I think, at Agra.

295. If the duties on the passage of cotton through our dominions were taken off, do you think it would be worth while to maintain the other transit duties, with the establishment connected with them ?—If it took off nothing but the duties on cotton, it would still be worth while.

296. Would it be possible, on taking off those duties, to diminish the charges of general collection ?—I apprehend not.

297. You cannot state what proportion of the duties consists of those levied on cotton?—I cannot, from memory. 26 Feb. 1830.

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298. It appears that in the year 1826-7 the receipt of customs in Bengal was £330,970; can you state what proportion of that arose from the sea customs, and what proportion from the transit duties?—I cannot state that from memory.

299. If transit duties were entirely repealed, would there be any necessity for keeping up the custom-house establishments in the interior at the different places you have mentioned?—If the whole transit duties were repealed, many of the custom-houses might be done away with; only the frontier ones would remain then.

300. Supposing the amount now levied by the transit duties were levied by any small addition to the sea customs duties, would you not get the same amount of revenue without the necessity for maintaining the same establishment?—That must depend on knowing the amount of the transit duties, and calculating the sum to be laid on the exports or imports, to see whether they were equivalent. If fourteen lacs are taken from the transit duties, and fourteen lacs added to the imports and exports, it will come to the same thing.

301. If the whole of it was raised by sea customs, instead of a portion by the sea customs and a portion by the transit duties, would it not be possible to reduce the expenses of collecting the whole?—Yes, certainly.

302. Has there been any diminution or increase in the amount of the custom duties within the last few years?—I left the Board of Customs seven years ago; I cannot recollect what has occurred since.

303. Was there any reduction of the custom duties during the time you presided over that Board?—I am not aware that there was; there was a different system introduced.

The witness is directed to withdraw.

JOHN PASCAL LARKINS, Esq. is called in, and examined as follows:

J. P. Larkins, Esq.

304. What was the situation you filled in India?—I filled various situations.

305. Have the goodness to state them.—In the early part of my servitude in India I was in the Commercial department, and filled the situation of Assistant to the Opium Agent at Bahar; that was previous to the year 1804. In 1804, I was called to the presidency, for the purpose of filling the office of sub-Export Warehouse-keeper under the Board of Trade. In 1811, I was promoted to a seat in the Board of Trade. In 1818, on the formation of a new Board of Customs, Salt and Opium, I was transferred from the Board of Trade to the new Board. During the time I was sub-Export Warehouse-keeper

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I held the office of Reporter on External and Internal Commerce, and Inspector of Company's Investments of Silk and Piece-goods.

306. Are you aware of the different price, in the market, of Malwa and Bahar opium?—I have a perfect recollection that there was a great difference in the price between the two, both in the price at which they were provided and the price at which they sold, both to the speculators at Bombay and Calcutta, and the prices they realized at Canton or places to the eastward.

307. Can you state the proportions?—I can hardly state them with that confidence I would wish. The Malwa opium became recognized by the Government so short a time before I left India, I had not an opportunity of obtaining so much information regarding it as I had of the Bengal opium.

308. Was that considered an opium of superior quality, or more adapted to the Canton market?—The impression upon my mind is, that the Bahar opium and the Benares, for I may speak of them as the same article, was held in much higher estimation at the port of Canton than Malwa opium; but I have understood since, that the Malwa opium has realized nearly as high prices as the Bengal, and in some instances better. The cost of the Malwa opium has been much higher to the Company.

309. Has not the Bahar opium lately deteriorated in real value and quality?—I am not prepared to answer the question, as to what it has been very lately; but I had that confidence in the quality of the article during the time I had charge of the agency, which was for two years, and also while I was a member of the Boards of Trade and Customs, Salt and Opium, that I should say nothing could be purer than the agency opium of Bengal.

310. Up to what period do you speak?—Up to the year 1825, from the time the agency was established; the contract ceased about 1795 or 1796; I arrived in India in 1797, and joined the agency in 1799; it had been about two years established at that time.

311. At what period was the Malwa opium first exported in any quantity?—That it is impossible for me to say, for it was a contraband article for many years; it was not recognized by the Company till 1819 or 1820, I think.

312. Are the prices now given by the Company for opium in Bahar, and the prices at which they sell it, greater than they used to be?—There has been a great variation in the prices at all times. I think the first sales after it was established, it produced about a thousand rupees a chest; but I speak from a very imperfect memory. I have known it as high as four thousand.

313. What rupee do you speak of?—The Calcutta sicca rupee.

314. Are you aware whether the price has varied very much at Canton?—I believe in nearly the same ratio as it has with us.

315. Upon the whole, the demand has increased very greatly in China, has it not?—I am not prepared to answer that question; I have not given much attention to this subject for the last four years.

316. Are you aware of the difference in quality and property between the Turkey and the Indian opium?—I remember (for when I held the office of Reporter of External Commerce I made those subjects a matter of inquiry for my own information) that we considered them to stand thus: as A and B and C—A the Bengal opium, B the Malwa, and C the Turkey opium; I cannot speak further than that.

317. Is opium exported to other countries besides China? —Yes; to all the eastern ports and islands.

318. Is there a great quantity exported to Java?—I think, as far as my recollection serves me, about two-thirds of the quantity exported from Calcutta goes to Canton, and the other third to the eastern islands.

319. Is any part of it exported by the Company?—No; they sell it all at their sales by the hammer in Calcutta.

320. Have you been in immediate communication with the Ryots who grow the opium?—I was three years attached to the agency, and had communication, of course, with all the opium districts under the Patna residency, where the cultivation was carried on.

321. What price was then given to the Ryots for the opium? —I think the price has been increased, but I do not recollect at what time the increase took place; but I should say that at the time I left India the price was about three rupees per seer.

322. Is that a price which remunerates the Ryot for growing his opium?—I can only answer that generally; my general opinion is, that it was a fair price to him.

323. Was it considered a favour to allow any one to grow the opium?—The opium Ryots had some advantages. They were not liable to be taken away from their work for little irregularities, by the courts of judicature, till the opium season of growth and manufacture was over; after that they were liable.

324. Independently of this, was a pecuniary profit given to the grower on the growth of opium?—I cannot say that the profit was great; it was considered wages to the grower: a remunerating price.

325. What proportion of advance was generally made to him? —The earliest advances were made in the month of October,

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for the purpose of enabling them to prepare their lands, after the heavy rains, for the reception of the seed; they had so much more when the plant was above ground.

326. The advance took place by instalments?—Yes.

327. Was the whole advance made before the crop was taken in?—I think not the whole before the crop was taken in.

328. In fact, loss seldom occurred upon an advance from the crop not meeting it?—I think there were some trifling outstanding balances in the factory books, but they were not very considerable.

329. Were the applications for leave to grow opium considerable?—We have no difficulty, generally speaking, in getting lands. I have known a difficulty at times; but, in general, there were no difficulties in getting lands for cultivation.

330. There was no obligation to grow it?—None.

331. Did you fix the price that was to be paid to the Ryot?—It was generally a settled price.

332. Did it not differ from year to year?—No it did not.

333. On what principle was it fixed?—I do not remember at this moment; it was raised latterly to three rupees a seer.

334. Did the produce differ from year to year?—Very much.

335. Do you apprehend that the advances and charges will remain as high as they have been since the year 1823?—I cannot say.

336. Was there any limit in the quantity of land to be cultivated in each year?—None.

337. The privilege was personal entirely?—Yes.

338. Were there instances of a zemindar interfering in any way to prevent or to increase the cultivation of opium?—I really cannot say at this distance of time.

339. Was the cultivation supposed to be unhealthy?—No, not at all; it is carried on in the finest part of the country.

340. Does it require any skill?—No; no skill in making it.

341. There is none required in cultivating it?—No; only attention; not skill.

342. Have you frequently detected adulteration?—I have been present when we have rejected some small quantity of opium in consequence of adulteration, but that very seldom happened.

343. Is any quantity of it illegally sold?—It was sold so enormously high at the sales in Calcutta that there was a great inducement to the natives to smuggle it.

344. Were they in the habit of doing so?—Yes, we frequently detected them.

345. What was the penalty attached to that?—I forget; but there is a rule and regulation expressly for that purpose.

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346. Will you explain in what mode the Company procure the silk for their investment for Europe and for China?—They send no silk to China The Company's investment is provided by the agency of their Commercial Residents; and the silk is made by a contract with the men who rear the cocoons.

347. Are they generally people of property, or very poor?—I do not think it is at all a poor class of people.

348. Are large advances made on silk?—Yes; considerable advances are made, after the engagement is settled by the Residents there, to enable them to advance to the cultivators of the mulberry plant.

349. Have endeavours been made by the Company to improve the quality of silk in India?—Great endeavours.

350. Can you state their nature?—They had a very intelligent man there for many years, who was well acquainted with the manner in which the silk was made in Italy, who introduced, I believe, Italian filatures into Bengal.

351. Have they established any extensive manufactories?—They have; but at present, under no other superintendence, I believe, than that of their own Residents.

352. Do they carry the manufacture beyond reeling?—No.

353. Has the export of piece-goods by the Company decreased of late years?—I apprehend, very much indeed.

354. Have the piece-goods of India been supplanted by the goods of England?—Very nearly; altogether, I should say.

355. Have you any idea how many people have been thrown out of employment by that circumstance?—No, not the least.

The witness is directed to withdraw.

Ordered, that this Committee be adjourned to Tuesday next, one o'clock.

LONDON:
J. L. Cox, Printer, Great Queen Street.

Die Martis, 2° *Martii* 1830.

The LORD PRESIDENT in the Chair.

THOMAS GORE LLOYD, Esq., and JAMES COSMO MELVILL, Esq., are called in, and examined as follows:

356. Is there any point in your evidence which you desire to correct?—(*Mr. Lloyd.*) To the question which was put to me as to the proportion of the territorial advances in England that had been repaid by investments from India through China, my answer was given from an imperfect document. 2 Mar. 1830. *T. G Lloyd, Esq.*

357. What correction would you desire to make?—I stated in that evidence that the sum of £4,268,122 was a repayment of territorial charges paid in England through investments for China, and that results after deducting the proceeds of commercial exports to India. Considering those exports as applicable exclusively to the India trade, then the total amount remitted through China, from 1814-15 to 1826-7, in repayment of territorial charges incurred in England, is £10,475,141; and the amount remitted in commercial investments from India is £13,862,909, instead of £20,069,928.

358. When the proceeds of the sale of the Company's goods exported to India are received there, are they confounded with the territorial receipts, and placed in the same treasury?—Just so.

359. Therefore, when drafts are made upon the territorial treasury, it is not clear from what fund those drafts are paid: whether from the funds applied for the repayment of territorial charges advanced in England, or from the commercial funds belonging to the Company in its commercial capacity?—There is no distinction kept in our books.

360. In your first answer, you supposed the proceeds of goods sent to India to be invested in India for remittance through China?—Yes.

361. In your answer to-day, you have supposed the proceeds of those goods to be remitted directly from India?—Just so.

362. Can you state the amount of interest demandable in London under the terms of that loan, which gives absolutely to all proprietors of the loan, *bonâ fide* resident in Europe, the option of receiving their interest here or in India?—(*Mr. Melvill.*) £466,945. *J. C. Melvill, Esq.*

363. Of that sum what has been actually demanded in England?—£300,000 in the last year.

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364. Can you state what was demanded in the three previous years?—Of that loan it was much the same.

365. Can you state what is the amount of interest demandble in England during the pleasure of the Company on each of the other loans?—On the loan of 1823 the total amount of interest is £477,568. The option of receiving this in England or in India is granted only to *bonâ fide* residents in Europe. The sum demanded in England on that account in the last year was £125,000. Of the other loan £450,000 is the interest, and which is all payable either in England or in India, at the option of the holders generally, whether resident in Europe or in India; and the amount demanded in England on that account in the last year was £325,000. A considerable amount of debt has been incurred within the two last years, which do not come into this computation.

366. Has the amount demanded in England of the interest of the two loans to which you have last referred increased of late years?—It has.

367. Can you state the amount paid in the three last years?—It has increased, of course, with the increase of the debt, which has been progressive in the last three years; and independently of that there has been a slight proportionate increase in the amount demanded, but not considerable. There is also what is called the Carnatic debt, which is included in the debts at interest. The holders of the Carnatic stock have the option, at their pleasure, of being paid their interest either in London or at Madras. The whole amount of the interest demandable on the amount is £97,000 annually, and the amount demanded has been £94,000.

368. Is *bonâ fide* residence necessary for option in respect of Carnatic stock?—It is not.

369. From what sums have the East-India Company the power of withdrawing that option?—From the five per cent. loan of 1823, the total amount of the interest of which is £477,568; and from the subsequent five per cent. loans, the total amount of interest of which, up to the last account which has been closed, is £450,000.

370. State at what rate of exchange the interest on that first loan to which you have referred is paid in this country?—The rate for the five per cent. loan of 1823 is 2*s*. 1*d*. the sicca rupee.

371. The second?—The rate for the subsequent five per cent. loans is 2*s*. the sicca rupee.

372. Will you calculate the difference between paying the sum demanded under those two loans at 1*s*. 11*d*. and 2*s*. 1*d*. and 2*s*.?—At 2*s*. 1*d*. it would be about ten per cent., and at 2*s*. it would be about five per cent. on the sums demanded.

The difference would be about £12,000 upon the first of the optional loans, and about £16,000 upon the other. 2 Mar. 1830.

J. C. Melvill, Esq.

373. Has not the rate of exchange risen materially between England and India lately?—There has been a trifling rise, but not considerable; 1s. 11d. was the last quotation.

374. How low has it been?—1s. 10d. in India for bills on England has been the lowest.

T. G. Lloyd, Esq.

375. (*To Mr. Lloyd.*) You have stated the amount of the commercial capital of the Company abroad and at home, on the 1st of May 1828 and the 1st of May 1827, at £21,731,869; it appears by a note to No. 25 of the printed papers, that "this balance is subject to reduction by the amount of advances made in India from the territorial branch to the commercial branch in the Indian official year 1827-8. The documents whereby the amount of those advances is to be ascertained have not been yet received from India, but it is estimated they amount to £3,124,900, which will leave a balance due to the Company of £5,017,203, including interest." Will you state why you do not deduct that sum of £3,124,900 from the total of the commercial assets which you stated as £21,731,869?—The question has reference to the debt due by the territory to commerce, which is stated in that account at £8,142,103. If the territory, in the period stated in the note to the account, should have repaid that £3,124,900, and thereby reduced the debt to £5,017,203, assets would appear in that account to counterbalance it. If the debt due by the territory to commerce is so much less, our other assets would be increased.

376. State in what manner?—Either by cash or goods received by investments, or goods in the export warehouses in India or afloat homewards.

377. That is, by the actual receipt in England of the sum which you understand to have been applied to the payment of territorial advances?—Or an issue to the commercial branch in India.

378. At what period was the territorial branch separated from the commercial branch?—(*Mr. Melvill.*) In the year 1814, under the Act of 1813.

J. C. Melvill, Esq.

379. Had you any list of heads of what was given to the territorial branch, and what was given to the commercial branch?—A plan was prepared under the provisions of the Act by the Court of Directors, which plan classed the several descriptions of expenditure under the heads of territorial and commercial; and, in obedience to that Act, the plan so prepared was submitted to the Board of Commissioners for the Affairs of India, who had full power to make what alterations they pleased. They altered the plan; and the accounts have been kept as it was finally approved. The plan was laid before Parliament in 1816, and printed.

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380. Will you refer to page 5 of the evidence given by you upon the first day of your examination.* You will see, in your answer to the second question in that page, that after stating that the probable excess of charge over territorial revenue in future years will be £1,478,205, you state that that excess can only be met by a reduction of charge; can you state to the Committee the particular heads on which it is proposed by the East-India Company to make any reduction of charge?—Orders have been sent by the Court of Directors to the Indian governments to effect very extensive reductions in the military expenditure in India, and also for such a revision of the civil charges as may, it is hoped, lead to a material reduction of their amount. Orders have also been sent for the reduction of the establishments of Prince of Wales' Island, Sincapore, and Malacca, from a government to residencies; and orders have likewise been given for a large reduction of the expence of St. Helena.

381. Are there any documents which will show the particulars of reduction under each of those heads of charge?—I apprehend, if the Committee were pleased to call for an estimate, that such a document could be prepared.

382. Can you state to what amount those proposed reductions come in the gross?—I am not prepared at present with the particulars. I know that the military reduction was supposed to amount, when it all comes into effect, to nearly a million sterling a year; but that is, of course, in a great measure, prospective. The officers who are to be reduced are to be seconded, and die off.

383. Can you state whether, upon the whole, the proposed reduction would bring the charge within the actual receipts of the territorial revenue?—I think there is reason to believe, from the measures now going forward in India, and from the effect of the orders I have explained, that in time the charges will be reduced sufficiently to bring the expenditure within the income.

384. When you speak of "in time," to what period do you look forward?—I refer principally to the military reductions, which will require five or six years before the supernumeraries can be absorbed by the occurrence of vacancies.

385. Can you at all speak to the amount which is proposed to be reduced in the civil charges?—No; I am not at present possessed of materials to enable me to furnish that information.

386. Can you say what proportion of the increased charge of articles which you have enumerated in the fifth page of your evidence will be of a permanent, and what of a temporary nature?—I felt, in answering that question upon the former

* See page 3, question 15.

occasion, that I had no other means of forming a judgment than that which the official estimate presented. 2 Mar. 1830.

J. C. Melvill, Esq.

387. In that calculation of the charge for the year 1328-9, to which you refer in your answer, have yon included any charges of a temporary nature, and to what amount?—Certainly not; unless your Lordships consider that portion of the military charge which is included in that estimate, and which has been ordered to be reduced prospectively, of a temporary nature.

388. There is no charge in that account which is for this year, and for this year only?—I am not aware of any.

389. Do you know the amount of the arrears now payable by the government of Ava?—There has been received altogether £739,149; namely, £553,139 in 1826-7, and £186,010 in 1827-8. The remaining sum is £420,851; whereof £208,800 was expected to be secured in 1828-9. There will then still remain due £212,051.

The witnesses are directed to withdraw.

THOMAS FORTESCUE, Esq. is called in, and examined as follows:

T. Fortescue, Esq.

390. You have served in the civil service in India?—I have.

391. What situation did you last hold?—Commissioner of Delhi.

392. Can you state the population of the district which was under your charge?—It is now nine years since I left it. The number is probably on record in some of my reports. I cannot distinctly state the number, but I should suppose near a million.

393. What revenue was collected from that district?—About five and thirty lacs of rupees, including customs and jaghires, and every thing.

394. Can you state the expense of collecting the revenue?—That is a matter of figures, which I cannot bear in mind; but about nine per cent., I think.

395. What number of Europeans are employed in that district?—There are three European gentlemen, civil servants of the Company, in different parts of the district, being myself at the head, residing at Delhi.

396. What number of natives had you under you?—There were subordinate officers attached to the several assistants at very small salaries, merely clerks. There was a law officer attached to each of them, to assist them in their duty, a Mohamedan; and one Hindoo law officer, besides the Mohamedan law officer, attached to the court over which I presided.

397. State the manner in which the revenue was assessed and collected?—Purely from villages. The district of Delhi is

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rather peculiarly circumstanced; it differs a good deal from other parts and other provinces; and the settlements are entirely village settlements.

398. State in what manner that arrangement is made: with what persons?—A description of persons called mocuddims, or head men, leaders, principals.

399. Do they act on the part of the whole village?—Always; and they are selected by the village, and changed at their pleasure. They are generally men of more influence than the rest, better able to conduct the duties of the village, on the part of the whole, than any other set of men.

400. Then the mocuddims do not contract with the government for the payment of a certain revenue, but merely act for the village to make an agreement for the village?—That is almost always the case. They very rarely become the contractors; the distinction is nice, perhaps.

401. How did you determine the amount that each village was to pay?—Always by calculating what the people should pay; after inquiring into the state of the village, what it had hitherto paid, what it was capable of, the state of the lands, and what they ought to bear with reference to the produce.

402. In what manner was it settled what each man in the village was to pay?—That was an internal arrangement, which it was desirable for us not to interfere in; they among themselves settled at their pleasure what each was to pay.

403. Had you any complaints on the part of any of the villagers that they were over-assessed?—I do not recollect one. There were some dissatisfied; but I do not recollect one reasonable complaint.

404. If they were dissatisfied with the mocuddim, they turned him out?—Yes; but when we came to make a settlement with them, sometimes one or two, sometimes the whole village, would come and be present, and whoever could speak best to the point, or make the best arrangement on the part of the others, he was the mocuddim; one day one of them, and another day another, perhaps.

405. Were there any hereditary officers in those villages?—They were rather servants of the villagers than officers. There were no officers of the village, except the carpenter, the blacksmith, the barber, and such people.

406. Was there any village accountant?—There was. He was generally what we call a Banyan, a man who used to dispose of the grain of the village; he was generally a particular adept in keeping the accounts.

407. Do you think it would have been desirable to make a settlement with each individual, rather than the whole village?

—Certainly not; it would have destroyed the union among them, and have penetrated into private and domestic matters, which would have been very unpleasant among them.

408. In what manner were any disputes which arose between the proprietors settled; how was justice administered in the village itself?—It was left pretty much to the system that had existed before our time, as it appeared to be satisfactory to the people; that was, leaving them to decide their own disputes, where nothing very heinous had occurred such as required the cognizance of a magistrate.

409. In what manner did they decide those disputes?—Always by punchayet.

410. Will you describe what punchayet is?—It is very similar to arbitration, but in some measure different. Arbitration is for any thing; punchayet is an assembly which they form themselves: any one of the village whom they would wish should advocate the one part and the other, most frequently the mocuddims, from their being the men whom the village had most confidence in, and who managed the affairs of it most to their satisfaction; but it was not necessary it should be a mocuddim.

411. Were the people apparently satisfied with such administration of justice as they obtained from the punchayet?—Almost always; I do not recollect any dissatisfaction of moment.

412. How was the administration of justice in cases of a more important description managed in your time?—With respect to criminal offences, if any thing very heinous occurred, the officers on the part of the magistrates, dispersed through the country under the name of Tannahdars, police peons, and Burkandazes (people carrying fire arms), when they were either informed or themselves acquired a knowledge of any heinous offence, inquired into it, and reported it to the magistrate.

413. That magistrate was an European?—That magistrate was one of the gentlemen I have just mentioned; an assistant.

414. To what extent did those magistrates decide civil causes?—They decided causes, as far as my recollection goes, to any amount.

415. Was there any appeal to you?—Always, in every case.

416. Were those appeals frequently made?—Not at all, with reference to similar appeals in other provinces.

417. You mean that there were fewer appeals in the province of Delhi than in the lower provinces, compared to the number of causes?—Yes.

418. To what extent did the assistants administer justice in cases of an inferior nature?—Punishment with rattan, confinement, and labour, to the extent allowed in the lower provinces: very much in the character and manner as applied under the

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Regulations in the old territory. The principles applicable to to that territory were proceeded on.

419. According to what law did you and your assistants administer justice?—By the Mohamedan law, modified as it has been and is by the Regulations of the government.

420. As regards the Mohamedan law, the Regulations of the government were introduced into that district?—I cannot say that they were specifically introduced; the principles of them were adopted; and when any offence was tried, a Mohamedan judge gave his opinion as in the lower provinces, and the measure of punishment was awarded in the same manner as it would have been in the lower provinces.

421. According to what law was civil justice administered? —The Mohamedan too.

422. Without the intervention of the Regulations?—Yes; they were not authoritatively introduced into the province; but I was directed by my instructions to follow the general principles of them.

423. You administered the Mohamedan law modified by the spirit of the Regulations?—Yes.

424. But not altered by the Regulations?—Yes; there is a great deal of Mohamedan law altered by the Regulations. We administered justice on the principles of the Regulations.

425. But without adhering to the forms?—The whole mode of proceeding was conformable to the practice of the courts below.

426. Did the people appear to be satisfied with that administration of justice?—I do think they were particularly so.

427. Has the revenue increased in that country of late years, since we first got possession of it?—Extremely; almost beyond calculation.

428. And the population?—Yes; and the population also. When we took possession there were about 600 deserted villages; when I came away, there were about 400 of them that had been repeopled again, chiefly by the descendants of those who had a proprietary right in those villages, and this in consequence of our administration.

429. What extent of authority was conceded to any native commissioner in the judicial department?—I cannot exactly recollect. They have very trifling criminal jurisdiction; but in civil they have causes to the extent of a thousand rupees to investigate. They were more as assistants in criminal matters, to inquire into any little trifling things that required more time than it was consistent with the other duties of the assistant or myself to attend to.

430. Did they appear to perform their duties faithfully and

well?—I think so; I was very well satisfied with them. I think their allowance ought to be more, and more confidence placed in them. 2 Mar. 1830.

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431. From what you saw of the natives, do you think they could be introduced into higher situations than those they had before occupied?—I think they might; but they must have a proportionable reward for their services.

432. Is there any alteration of system in the lower provinces, or in the ceded and conquered provinces, which would lead, in your opinion, to a reduction of charge, without diminishing efficiency in the revenue and judicial departments?—I certainly think there is.

433. Have the goodness to state them?—I think, if the revenue and judicial reciprocally assisted each other more than they do, at least than they did when I was in India, the business to be transacted would more speedily be got through, and, of consequence, benefit would result.

434. Do you allude to the revenue and judicial functions?—Not altogether. I allude chiefly to a great proportion of the duty which now appertains to the Courts of Judicature, being, in the first instance, examined into and adjusted by the revenue department.

435. Will you state the advantages of that alteration?—The advantages would be, that in the revenue department, in which originates a very large proportion of the duty of the judicial, would be decided cases the moment they arise: on the spot very often, and by an officer whose knowledge gives him an advantage over the judicial. In very many instances it happens that the judicial officer decides on cases after reference to the collector, from the reports he sends up.

436. Has a person educated solely in the judicial department that knowledge which will enable him to decide the revenue cases that will come before him?—I think not; I think no judicial officer can be a good one who has not commenced in the revenue department.

437. What was the custom of the country previous to our occupation of it in that respect; were the functions united?—Before our government, little was thought of but revenue; there were none but quazies. The Mohamedans distributed justice in no regular way. Sometimes the Aumil, or the ruling authority itself, would interfere, but in rare instances. There was no code furnished, nor regular system practised by the native government, for the administration of justice.

438. Are you of opinion that, by a more extensive union of the revenue and judicial functions, justice would be equally well administered, if not better, and the charge diminished?—I

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think that by a better classification of the aggregate duties that would be the case.

439. What is the proportion of the whole assessment on a village or estate supposed to be allowed to the zemindar, as a compensation for his charges and risk, in the lower provinces?—By the regulations of the government, I think it is about ten per cent. on the net revenue he pays to government, or eleven and a half on the gross.

440. Besides that deduction from the revenue collected from the zemindar, there is likewise a charge of collection; is there not?—There is about five per cent. for what is called village charges.

441. Besides that, there are salaries of the collectors themselves; are there not?—Yes, there are.

442. What do you calculate to be the total charge per cent. of collecting the revenue in the lower provinces, including the allowance made to the zemindar?—I do not think I can answer that question with any precision; but with regard to the preceding questions I would wish to add, that the allowance to the zemindar I have just stated is, in my opinion, not sufficient; I hardly ever found it to be sufficient in making the settlement. I think it is more nominal than real. I mean that in very large estates in the lower provinces, where they consist of several villages, and there is but one, or a very few proprietors, ten per cent. may do; but if it is a small estate, and the family of the zemindar is large, and the estate liable to fluctuations by reason of the seasons, and the ground not altogether even in its produce, in such instances, and others I might mention, the ten per cent. has never been enough.

443. Is it ten per cent. on the estimated amount of the receipts, and not on the whole?—No.

444. The Regulation says, that ten per cent. shall be allowed on the net receipt, or eleven and a half on the gross; but that, in your opinion, is not sufficient in many cases to enable the zemindar to live?—Just so.

445. When a further allowance is necessary to be made to a zemindar, is that regulated by the discretion of the collector?—I think so; that has always been my mode. It was impracticable often to make a settlement; they would not agree with us. When the detailed accounts showed that the ordinary expenses of the zemindarry were so great that ten per cent. would not remunerate or allow the zemindar to live, then it was requisite to make a further allowance.

446. Are the ceded and conquered provinces so situate as to make it possible to introduce the system of village distribution there?—Generally speaking, not. In some parts it did continue, particularly in the province of Bundlecund.

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447. When that village constitution has been once destroyed, it would be impossible to recreate it; would it not?—I think it would; the more we interfere, the more we dissolve the union.

448. Of what religion is the population in the neighbourhood of Delhi?—Immediately round Delhi it is chiefly Mussulman, but in the interior chiefly Hindoo. There are entire villages Hindoo, and entire villages Mussulman.

449. What has been the effect of the renovation of the old canal that ran along the line of the Jumna to Delhi; Murdan Shah?—It had just opened a month or two before I left Delhi. It had just passed Delhi and gone into the Jumna, and as it gradually came through the province it fertilized in an astonishing manner and to a most incredible distance, right and left, even to the distance of five or six miles, and in wells which were completely filled up and thought useless the water sprang up again. In the city of Delhi itself it was wonderful.

450. Is the canal for the purpose of irrigation only, or for the purposes of navigation?—It is too narrow for navigation.

451. Is it not possible to send some light goods upon it?—I should hardly think more water can be conveyed than is required for the country.

452. Was the Feroz Shah canal begun when you left Delhi?—No, it was not. I had the opinion of one or two engineers, but they wished to see the effect of this before that was undertaken. The opinion of those engineers was, that it was practicable; and the natives said, "It has once run, why should not it again?" I do not say that the engineers had officially surveyed it, but they were in correspondence with me, and had examined it cursorily.

453. Had any measures been taken, when you left India, for making a canal between the Jumna and the Ganges: the Dewab canal?—No; there had been a long time ago, when first we got possession of the province, but not since, at least while I remained there; it had been examined in former days.

454. Are you aware that the canal of Feroz Shah communicated with the Kuggur river, and that there was a canal from the Sutledge to the Kuggur?—I am rather doubtful on this point; but I believe the engineer officer with whom I was in correspondence thought he could actually trace it to the Kuggur.

455. Have the Mussulman population apparently displaced the Hindoo population in the neighbourhood of Delhi?—At a very remote time of course, when the Mohamedan rule came into India; I do not suppose that the Mussulmans have tried to turn out the Hindoos since.

456. The civil code of the Mohamedans was adopted because

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the great majority of the population was Mohamedan?—Yes; that is, looking to centuries ago; they brought with them their own laws, and forced them on the Hindoos.

457. At the period to which you have been speaking, the great majority of the population was Mohamedan?—I allude to the time that I left Delhi. The emperor with all his court resided at Delhi. The city of Delhi, and all round, was very greatly Mahomedan, but not farther off.

458. Did you administer Mohamedan civil law in parts of the country in which there was an Hindoo population?—In all nice cases a reference was made to the Hindoo law officer, who gave his bevesta or opinion.

459. You state that Delhi is very populous; can you state in what degree it is more or less populous than adjoining estates in India?—I say it is populous; but I do not think it is comparatively more populous; I should rather say the contrary, if I were to give any opinion. It is rapidly increasing.

460. Had it been increasing previous to its falling under our dominion?—It had; but it was recovering from an extensive famine that had happened long ago, which had half depopulated the country.

461. You now consider it to be increasing independently of the consequences of that famine?—I look to the present increase as entirely owing to the administration since we have had possession of it.

462. You state that you have employed a number of native officers at small salaries; is the Mohamedan and Hindoo proportion of those officers the same as that of the population, or nearly so?—I allude to common clerks in office; I should hardly call them officers; they were mere copyists; they are nothing but common clerks. What I call officers are those attached to European offices, and having some authority.

463. The question refers to those employed in any way?—In employing them, or selecting them, or appointing them, I never thought whether they were Hindoo or Mussulman. I generally got the person best qualified; and if he had been in a very subordinate situation in the district, and was able to do the duty, from that situation he was appointed.

464. The question is not, whether you gave the preference on account of religion; but what was, generally speaking, the proportion?—As the correspondence and records were all in the Persian language, and as the Hindoos rarely acquire a knowledge of that language but for some purposes connected with employment, the majority was Mussulmans, who, in writing proceedings, were more familiar with the language, it being so connected with the language of their religion.

465. There was no exclusion of Hindoos?—No, by no means.

466. In situations which were in any degree places of trust, did you see any motive for giving the preference to persons of the one religion over those of the other?—No; indeed I found them both equally trustworthy.

467. You had no reason to complain generally of the want of integrity of the persons you had so employed?—I wish to answer that with a little reservation. I think not; where they have been what I would say liberally rewarded for their trouble, and consideration has been shown towards them, they are every way deserving of trust; but where this has not been the case, then they have failed to merit that confidence.

468. You have stated that Mohamedan and Hindoo law officers are employed jointly; do you mean that they are consulted in unison upon the same points, or that there are particular points referred to one, and others to the other?—Certainly; what relates to the Mussulman law is referred to the Mussulman, and what refers to the Hindoo to the Hindoo; as in cases relating to caste, marriages, &c.

469. By whom are those native law officers appointed?—In the lower provinces printed Regulations prescribe certain rules and forms. They are generally recommended by the judge and magistrate of the district to whose court they are attached; they also belong to the courts of circuit, and the Sudder dewanny and the Nizamut adawluts.

470. What is their manner of appointment?—The nomination rests with the local authority; the confirmation rests according to circumstances, as is defined by the Regulations.

471. Are their appointments liable to be revoked at pleasure?—Not exactly at pleasure; there must be some cause of dissatisfaction, something improper alleged and proved. Superannuation, or a wish to retire, may lead to their appointment being revoked.

472. Such cause being alleged, by what authority are they liable to be dismissed?—The Regulations point out different authorities: for instance, a judge and magistrate has no power to dismiss, only to suspend, either of his law officers, without reference to the court of circuit, his immediate superiors. The Regulations point out all those matters.

473. You state that the Banyans dispose of the grain of the village; will you state in what manner they generally dispose of it?—They have only the disposal of it when it is the pleasure of the parties to arrange with him for that purpose; it is not necessarily so, nor has he any special authority to interfere one way or the other; but when he does dispose of it, he generally takes it and disposes of it at the average price of the market,

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always, when requisite, make a formal reference to him of the point on which he is to give his opinion.

496. Is that in writing?—Always in writing. Very often, (speaking of myself,) in a cause of any intricacy, (and I believe others also,) I have requested the law officer to be present, and to assist in going through the examination of the case.

497. You have stated that you thought, in some respects, the judicial officers were not very capable of performing their duties; in what particulars do you think that was the case?—I did not mean to say that; but that the decisions of the judicial officers very often, from not having revenue knowledge, were not so good and so practical, and that their decisions were not so correct as they might have been otherwise. I would explain myself by saying that the execution of a decree, for want of revenue knowledge, was sometimes impracticable, often very very defective.

498. Do you think the judicial officers in general, and particularly when first placed in those situations, are capable, from their knowledge of the language, of examining an Indian witness?—I think their knowledge of the language certainly is sufficient to enable them to examine a witness.

499. Is the court you have described under the name of Punchayet any thing more than a reference agreed on between the parties, and applicable to civil cases?—I do not know whether I can call it a court; it is a self-constituted court among the people; it is an assembly rather, elected by the people, who decide whatever they choose to bring before it; it is not a thing they are called to, nor can we direct them to assemble a court.

500. Do they decide any cases of accusation?—None, but among themselves.

501. It is so far recognized amongst themselves as to try inferior offences?—Rather domestic offences, not offences against the public; family quarrels, family disputes, any little thing, perhaps even a little theft.

502. You have stated that you thought the native officers that were employed in the courts, both Indian and Mohamedan, when their appointments were such as they ought to be for their situation, were entitled to full confidence; do you apply that simply to those who came under your observation in the province of Delhi, or do you apply it generally as the result of information you have received in other parts of India?—I apply it generally to all the provinces of Bengal in which I have officiated.

503. You were understood to state that the mocuddims are the persons who agreed with the collectors for the amount of the revenue from each village?—Yes; very often there is more han one: there may be four or five, or there may be two or hree.

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504. How does the collector in the first instance assess the amount of the contribution?—From various channels of information. He looks, for instance, to the revenue the village has hitherto paid; he looks to the state of the cultivation; he looks to the pergunnah rates, that is, the rent which such and such land bears in that village, or in the neighbouring villages. He ascertains in these and in other ways the general assets; but in Delhi almost all the lands have been measured.

505. Having ascertained the estimated produce of a village, he assesses it at a certain amount?—Yes.

506. That is the mode of proceeding?—It is.

507. How is that assessment enforced?—I speak of Delhi; and it rarely happens, when the assessment is arranged and the parties are content, that there is any difficulty in collecting it at the stated periods. There are what are called kists, or periodical payments, arranged; and sometimes the proprietors come in spontaneously with the rent; at other times an officer goes and requires it.

508. Supposing a village should be in default of this payment, what means are there of enforcing payment from that village? —It very rarely happens that that is so; and if it is so, it is generally from some circumstance which is a just cause for postponing the demand for a time; bad seasons in some cases, quarrelling among themselves, or something going wrong in the village. A subordinate officer on the part of the collector will then go and inquire among the sharers what is the cause of the kist not being paid up, and it rarely happens that criminality attaches.

509. Do you in no case levy the money from individuals?—Only the tehsildar, or other revenue officer, will go and communicate personally with the whole of the villagers. They are all brothers or relations. He will collect from them separately.

510. Is this land, so assessed to the revenue, subject to any payment for rent to any body else?—There is no middleman between Government and themselves. They look upon that which they pay to Government as a rent.

511. The Government are proprietors of the land, and the land is let to those persons on condition of their paying this contribution?—That is a question which has been greatly discussed in India. As to the proprietorship, my belief is, that the Government is the proprietor of the land, and that the person occupying it is well satisfied with the occupation, paying that rent.

512. That is the only rent the person pays for the occupation of that land?—Yes; there are village charges.

513. You stated that when you first went to Delhi there were a great number of deserted villages, which afterwards were re-

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peopled; how soon after they were repeopled did you begin to levy the assessment upon them?—I cannot precisely say that without reference to the papers; but I can say that this principle was adopted, of not assessing the village till it was in such a forward state of cultivation that, with reference to other land, it was reasonable to assess it.

514. Is the zemindarry system entirely done away in the neighbourhood of Delhi?—The word zemindar, as applied in the other provinces, is perhaps not known there.

515. Is the revenue for Delhi collected at a cheaper percentage than in the lower provinces?—I believe I mentioned that I could not state that precisely at this distant period; but there are statements I have sent, which will elucidate this point. To the best of my recollection, the collection is cheaper than on the other side of the Jumna; I think about nine per cent.

516. Does the ten per cent. given to the zemindar in the lower provinces go to any other officer in the neighbourhood of Delhi?—It is a different thing altogether. In the provinces alluded to there are regulations which prescribe, that having ascertained the produce, such and such allowances shall be made to the zemindar, in which allowance is included his ten per cent. In the Delhi territory there are no regulations which prescribe certain terms of assessments; and I believe I have just explained how the settlements were made.

517. Why is the ten per cent. allowed to the zemindar?—It is an allowance granted to him, fixed by the Government for him as his zemindarry right; it comprehends so much that I do not know how to describe it briefly.

518. When that arrangement was made, was it not in the contemplation of Government that the zemindar had a proprietary right over the soil?—The word zemindar was understood to mean that.

519. It was afterwards found out that he had none?—There is a great deal to be said on that subject; he was often found not to be the zemindar.

520. In the province of Delhi the revenue is collected at a cheaper rate than in the lower provinces?—That is a matter of account, and I should wish to refer to my Reports; but the impression upon my mind, though I cannot give a reason for that impression at this distant period, is that it is cheaper; but by referring to the accounts in the India-House this will be seen.

521. Do you think in all cases, so far as your observation has gone, that in the province of Delhi improved cultivation of land has kept pace with the increase of revenue?—I think that the

improved cultivation of land has gone before the increase of revenue. 2 Mar. 1830.

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522. Is the Mohamedan law, as now administered there, very considerably influenced by those Regulations you have spoken of?—Very considerably.

523. In what points are the defects of the Mohamedan law chiefly controlled or influenced by them?—Amputation, for instance, is commuted to imprisonment; another, with reference to the witnesses, holding that two females are only equal to one male, &c. &c.

524. Is the contribution agreed upon with the mocuddims fixed on the gross produce of the village in grain?—We arrange with the mocuddim what he is to pay, after surveying the resources.

525. How much per cent. upon that is it usual to exact?—There is nothing further than that the various sources of the village are on paper.

526. You estimate it at a certain amount?—Yes.

527. What proportion of that do the Government demand?—It depends greatly on circumstances; on the quality of the land and the produce of it. It depends also on what hitherto those people have paid; because there are some villages which, previous to our possession, paid nothing, in consequence of their power to resist. As those villages are from their resources as competent to pay as others, a gradually increasing assessment has been adopted.

528. Can you give any idea of the proportion paid to Government of the produce of those villages?—I know that sometimes the mocuddims arrange so that the share to the proprietors shall be sometimes three-fourths, two-thirds, three-fifths, one-half, fluctuating, but all depending upon so many local circumstances I cannot speak more closely to it.

529. So that if one of the ryots produces a certain proportion of rice or any other grain upon his ground, the value of three-fourths or one-half is paid to the Government?—I cannot say that, because there are a great many things to be taken out of it. A proportion of the produce will be taken to pay the expenses of the village; the hospitality of the village for strangers, and the different officers of the village—the carpenter, and so on; they have their share out of it; there then comes the net produce.

530. Upon that the assessment is fixed?—Yes.

531. Do you state that three-fourths or half go to the Government?—The share coming to Government cannot be fixed precisely, because it will not leave half on some; but the general principle is, that a half is what they call the hakimee, or the Government share.

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532. That is, the half of the net produce, after paying the village expences?—In some instances it is but half of the gross produce: it is not possible to give a distinct answer to it, it depends so much upon locality.

533. In the case of the failure of a proprietor, what steps do the Government take against that proprietor; does he forfeit the land altogether?—Referring to Delhi, I would say that the Government know little of the precise property of any of the proprietors. It is not the interest or the wish of the village that the Government should scrutinize and know their possessions; and therefore, if any one of the brotherhood fails to pay his proportion, that is a matter for the village at large to settle; they will often come forward to pay it for him; but those are all private arrangements kept to themselves.

534. Has the mocuddim any power from the Government to enforce this assessment in any way?—No.

535. The mocuddim is merely an agent on the part of the village?—He is merely chosen by them.

536. Have the goodness to state in what manner property descends from one generation to another?—The minutiæ of this matter will be found in my official reports; that I now mention would be but general. I speak with some diffidence; but the inheritance is very distinctly marked, and very distinctly observed amongst them. The sons inherit from their father generally: females are excluded.

537. Does the right of primogeniture prevail?—No, it does not. If a man dies with four sons, those four share in equal proportions; and in respect of what is called in a grand division a panee, supposing there were four sons, each would inherit a division of that panee, which would create what is called (4) tokes.

538. Does that mode of inheritance extend to the Mussulman as well as the Hindoo population?—Yes. There are exceptions of course; but I speak of that which is generally the case.

539. In the early part of your evidence you stated that you have no means of making any exact calculation of the population of Delhi, and you have also spoken about the villages; can you give any general idea of the amount of population in those villages; do they differ much; and if so, can you mention the greatest population of any one village?—No; it would be hardly possible. Perhaps the largest village in point of landed extent might have the fewest inhabitants in it: for instance, those that were repeopled again; the lands appertaining to them are perhaps as large as any in the district, but the population may be the fewest; but they vary very much. They are every day augmented. People who had abandoned them or their relatives

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are coming back, and getting possession without the slightest opposition.

540. When you speak of a village, you include the adjacent land?—Yes; all the land appertaining to the brotherhood who live in the hamlets or houses.

541. Is the whole of the land appropriated into villages?—There is a considerable part of it unoccupied, unclaimed, and uncultivated, but which will be cultivated as soon as the aqueducts which have been talked of shall fertilize the soil.

542. Is the consent of Government required for the cultivation of any new district?—No. Government are happy that people should come and take up their abode. They make no inquiry, if there is no objection made by the neighbouring villagers; that is to say, that they do not claim landthat others are in the possession of.

543. What length of possession gives a right to the property?—A right of possession remains till it is disturbed by some others who claim it; but that is a case that rarely or never occurs. There are no disputes of that nature.

544. Has the district been well surveyed?—I do not know that there has been a very exact survey. It has been surveyed by the revenue officers; I meant that it was surveyed by the revenue officers.

545. Speaking of the province of Delhi, in what respect does the system for the administration of justice differ from that supposed to be the case in the best times of the Mussulman government?—The great difference is, that there are certain principles now proceeded on, which was not the case in those days; there was no system. In short, I cannot go back to any particular time, unless I go back an hundred years, or an hundred and sixty. I have seen records of the province, stating its extreme fertility at that time. I do not know any period when the administration of justice was in a better state; I can find no record of it.

546. Have you reason to think that the inhabitants of the province of Delhi rightly understand, and act on and approve of, the changes that have been introduced into the system of Mahomedan law in its administration by the Regulations to which you have referred?—I do not recollect that there has been an alteration in the civil code of Mahomedan law; it is only in the criminal code.

547. Are they readily acquiesced in by the natives?—I think they are favourable to them; I never heard any objection to them; on the contrary, I think they have approved of them. They are grounded in humanity.

548. Is it your intention to return to India?—No; I have

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left on account of ill-health, and have not been well enough to go back.

549. What was the amount of your allowances while you were commissioner at Delhi?—Five thousand rupees per month.

550. Would you call that £6,000 a year?—At two shillings, it would be about that.

551. At what time of life were you when you went there?—That is now ten years ago. I suppose about forty.

552. How long had you been in India previously?—I went out in 1798, and passed through almost all the gradations of the service. I was in Delhi not above ten months.

553. You had been two-and-twenty years in India before you went there?—Yes.

The witness is directed to withdraw.

Ordered, That this Committee be adjourned to Thursday next, one o'clock.

Die Jovis, 4° *Martii* 1830.

The LORD PRESIDENT in the Chair.

ROSS DONNELLY MANGLES, Esq. is called in, and examined as follows:—

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554. HAVE you resided in India?—I have.

555. What situation did you last hold?—I was Deputy Secretary to Government in the territorial and judicial departments.

556. For what period did you hold that situation?—I think about two years.

557. What are the duties of the department?—I was employed chiefly in writing the general letters from the Government to the Court of Directors.

558. What are the duties of the department of which you were the Secretary?—The duties of Territorial Secretary, in one branch, correspond in a great measure with those of the Chancellor of the Exchequer in this country; he manages the whole financial business of the Government, in concert with the Accountant-general; but the Secretary is the chief officer of the Government in that department; moreover he has the management of the territorial revenue, and of the revenue derived from salt and opium, and he conducts the correspondence of Government with the three Boards of Revenue in the upper, lower, and central provinces respectively.

559. In what relation does he stand to the Board of

Revenue?—He is merely the ministerial officer of the Government; he is not a responsible officer.

560. Has he any power over the Board of Revenue?—Not directly.

561. If any increase of charge were proposed by any of the Boards of Revenue, or by any person acting under them, is that proposal for increase submitted to the Territorial Secretary before it is acquiesced in and sanctioned by Government?—He is the person always addressed. The Boards of Revenue have the power of writing directly to the Governor-general in Council; but that is a mere matter of form, for such letter goes equally through the office of the Territorial Secretary, and is submitted by him to the Governor-general in Council.

562. Does the Territorial Secretary offer his opinion upon the admissibility of any new charge proposed?—He certainly does.

563. Is it his duty to do so?—I should think so. He has no right or power to do so; but he is generally called upon to do so, I apprehend.

564. Is his opinion on any new charge recorded officially?—The Secretaries are in the habit of giving in papers called memoranda. As the Governor-general or Members of Council lay minutes before the Council Board, so the Secretaries, whenever they have any suggestion to make, submit what are called memoranda.

565. One of the Members of the Council is nominally President of the Board of Revenue, is he not?—Merely nominally so.

566. He performs no duties?—No; none that I am aware of.

567. Does the other Member of Council perform any duties distinct from those of Member of Council?—I believe not; he is nominally President of the Board of Trade.

568. Are you aware whether in former times the Members of Council did perform the duties of Presidents of the Boards over which they presided?—I imagine that they did under Mr. Warren Hastings, and in the times preceding him, but not since that, I believe.

569. What are the duties of the territorial and judicial departments as regard the judicial department?—They are quite distinct departments. There are two Secretaries; but from want, I presume, of hands, (for the number of public servants was at that time very inadequate to the work to be performed) I was appointed Deputy to both. There was a great arrear of general letters to the Court of Directors at that period.

570. What are the duties of the department with regard to the judicial administration of the country?—The Judicial Secretary is quite independent of the Territorial; he conducts the correspondence of the Government with the Sudder Dewanny

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and Nizamut Adawlut; they are the chief criminal and civil courts.

571. Is the police under his direction?—Yes; at least all the correspondence of Government on the subject of the police is conducted by him. Like the Territorial Secretary, he is not a substantive officer, only a ministerial functionary of the Government. He writes always in the name of the Government; his letters always begin with words to this effect, "I am directed by the Governor-general in Council to inform you:" and this holds good with regard to all other Secretaries.

572. Will you state what the business of a Collector is in the lower provinces?—The receipt of revenue; the conduct of public sales, in the event of any defalcation on the part of any landed proprietor who is responsible for any portion of the revenue.

573. There being a permanent settlement of the land revenue in those provinces, has he much to do?—He has not much to do directly with the collection of the revenue; but he has a great number of other duties, as the management of wards' estates (minors' estates); for the Board of Revenue is also a Court of Wards.

574. Does he exercise any judicial functions?—He does, in what are called summary suits, arising from disputes between landlord and tenant, between zemindar and ryot.

575. That is, in disputes connected with the administration of the revenue?—Yes; connected with the relation of landlord and tenant more particularly.

576. To what extent does he decide such suits?—The suits are summary suits; they are not conducted with the formality of regular suits; they are instituted originally in the courts of law, and are referred by the Judge to the Collector for decision; they are of a particular description; they are not conducted with the formality of regular law-suits; there is a particular process laid down by the Regulations for them.

577. Is it in the nature of a reference?—Not exactly; it is a claim of the zemindar on the ryot for rent which the ryot disputes or denies; and it is referred to the Collector, as a summary suit, under particular Regulations.

578. Are all the instances in which he exercises judicial power referred to him by the court?—Yes, as far as regards the summary suits referred to; but there are also investigations which partake largely of judicial inquiries, which he conducts independently of the courts, as, for instance, where landholders in coparceny have petitioned to have their estates divided, and to become separately responsible to Government. Such divisions are called Butwarahs.

579. Is the revenue collected in the hands of the Collector?—

It remains in the custody of a native Treasurer, who gives heavy security, and who is to a great degree independent of the Collector.

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580. Is this security given to the Government or to the Collector?—To the Government through the Collector; but the Board of Revenue see that it is sufficient.

581. Is not the Collector also responsible?—Certainly.

582. Has the Treasurer any salary?—A very low,—a nominal salary.

583. In what manner is he remunerated; by taking the profit of the money in his hands?—Certainly not, where he is properly looked after; but I apprehend that the public service of the Government being the only distinction that the natives of India can attain to, it is entirely for the sake of being employees of Government that the persons in question seek for the situation.

584. Is he not in many cases a banker?—Yes he is, in some cases.

585. Does he alone enter into security, or are there joint securities with him?—I apprehend it differs very much; the Board of Revenue always see that the security is sufficient; there is no fixed rule.

586. Little has been lost by means of the native Treasurers, has there?—Very little, I believe.

587. Does the Collector enter into any security?—No.

588. Have there been recently any sales of land in the lower provinces?—Yes.

589. To any extent?—I should apprehend so; and chiefly, I apprehend, for these reasons: In the estates in the lower provinces, as elsewhere in India, there are frequently many proprietors, a great many coparceners, and sales frequently occur from disputes among those coparceners; they cannot agree about the proportion each has to pay; and if the Collector does not exert himself to reconcile those differences, the estate will be sold for the balance, for the coparceners will not agree about their proportions. The Collector is under no official obligation to act in the manner supposed, but if he be a man of kindly feeling he will do so. Another cause is, that, on account of the great number of these coparceners, it is very difficult for the landed proprietors to sell those estates by private contract; and I believe they often suffer them to fall into arrears, that the estate may be sold by public auction by the Collector, because a government sale gives the best title. It is a title that cannot be disputed on the ground of one or more of the co-proprietors not having agreed to the sale, as in private bargains. I believe that arrears are often suffered to accrue because the proprietors wish to sell the estates.

590. Have there not been examples of sales considered by the

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Government to be improper?—There have; but not exactly in the lower provinces.

591. In what part of the country?—In Cawnpoor, Allahabad, and Gorucpoor.

592. Were any measures taken by the Government in consequence?—There were.

593. What were they?—There is a Regulation of 1821, under which a special commission in the interior, and a corresponding special commission of appeal in Calcutta, were appointed to inquire into those, and redress the abuses complained of.

594. Can you state the number of years' purchase at which lands have lately been sold in the lower provinces?—It varies very considerably in different parts of the country; but in the district I had charge of I sold six estates during the year and nine months that I held it, and the average proceeds of sale were six and thirty times the whole government revenue of those estates.

595. What proportion is the government rent supposed to bear to the profit made by the zemindar?—It varies so very much, that it is impossible to say. I heard that one of the persons who bought one of those estates of which I speak had made a very bad bargain: but the principal estate was sold on account of the wish of the proprietors to part with it; they took that mode of selling it.

596. Can you state at what number of years' purchase lands were sold soon after the perpetual settlement?—It varied very considerably.

597. Can you state who were the purchasers in the last cases of sale; what description of persons they were?—I apprehend they were landholders of other estates. It is a district that borders on Calcutta.

598. In the cases you mentioned in the northern states of Cawnpoor and Allahabad, where the improper sales took place, it was understood that the lands were purchased by the officers of the court; was not it?—They were bought by those officers, or by their creatures. It was a business of most shocking fraud. The perpetrators had got to such extreme insolence and impudence in their chicanery, that I understand some of the papers of sale were drawn up in the name of dogs and jackalls, to make the matter ludicrous.

599. Was that carried on without notice on the part of the Collector of the district?—I am afraid in one or two instances the Collectors were concerned; I have only heard so. None of the persons of whom I speak are now in the service.

600. Were they dismissed from the service, or did they retire?—I do not think they were dismissed; the frauds were not discovered till they had retired; it was quite in late years

that the business was brought to light. Mr. Fortescue was the person who originally brought to light this state of things; but I believe that redress has been almost co-extensive with the evil.

601. The commission is in existence still?—Yes; I believe that it has got through Cawnpoor and Allahabad, and is now going to Gorucpoor.

602. Are the zemindars in the lower provinces usually old hereditary zemindars, or persons who have been introduced by means of the sales?—Partly one, and partly the other; some have lost their estates, and some have retained them.

603. In what proportions?—The Rajah of Burdwan has the whole of his estates; I think he pays £400,000 a year revenue to Government.

604. Are many zemindaries of such extent as to yield very considerable incomes to their proprietors?—Very great; but the income of the proprietor does not depend so much upon the size of the estate as the amount of the government revenue.

605. In what manner do they expend their revenues?—Their characters, of course, vary as much as in other countries. Some are parsimonious, and many of them are extravagant; those that are extravagant spend their incomes in nautches and festivals, pomp and state.

606. Do they indulge in European luxuries and European mode of life?—Some few do; and I have understood (it is a matter of mere hearsay) that they consume a considerable quantity of wine and cherry-brandy. They do so secretly, of course.

607. Do they consume British manufactures and furniture?—Yes; glass mirrors and lustres, I believe, and articles of a similar description.

608. Do they take European jewellery?—No; I believe that their jewellery is of their own manufacture. I have heard that the cellar of the Rajah of Burdwan was found with several pipes of Madeira in it.

609. Do they appear to be acquiring a greater taste for European luxuries?—Certainly.

610. They have greater means of indulging that taste than formerly, have they not?—Yes; I apprehend that the incomes of the proprietors in the lower provinces, taken on the average, are equal to the Government revenue.

611. Those incomes have been greatly increased since the perpetual settlement?—Yes; I believe that all agricultural produce has risen very considerably, and the extension of cultivation is very great.

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612. Is the condition of the ryot equally improved?—I think that it is improved, but not equally.

613. To what extent has the ryot become the purchaser of British manufactures?—Hardly at all, I should say.

614. To no greater extent than thirty years ago, do you mean?—He consumes more, certainly, than at that period. I suppose that there is a good deal of cotton-twist used by the native weavers in making up the cotton cloth which the natives wear, but that has only come into use within three or four years.

615. Are they generally clothed in British cottons?—No; the British cottons are not used; they do not wear so well, I understand, as their own manufacture: but I have heard that the best cloths are those made in India by the hand from the English twist.

616. Who are, in India, the great purchasers of British cottons?—I should think the higher classes; but I have not made these subjects much a matter of inquiry, not having been employed in any branch of the service directly connected with them.

617. Are there natives of considerable wealth in Calcutta?—There are natives of very great wealth.

618. In what situations are they?—They are generally the large landed proprietors; almost every rich native in Calcutta is a landed proprietor.

619. Have they also great capital?—They have.

620. Are they engaged extensively in the country trade?—Many of them.

621. Do they live in the European style?—As far as carriages and equipage of that nature; and in native houses into which I have gone, I have observed mirrors, chandeliers, and lustres, &c.

622. What is the state of their education?—They are generally very good English scholars as far as matters of business and writing go; but I do not apprehend that they read much English. They write very well.

623. Some of them have made very considerable progress in literature, have they not?—Some few of them have made very considerable attainments.

624. Do they live much in English society?—Their prejudices prevent their eating with us, though not from being present while Europeans are eating, for I have seen men of high rank standing by on such occasions. The higher Mahomedans will eat with Englishmen; but not so the Hindoos, nor the lower class of Mohamedans, who are Hindoos in point of prejudice and feeling.

625. Are those rich persons, the zemindars and rich men of Calcutta, usually Hindoos?—Yes, they are chiefly Hindoos. There are some few Arab merchants, and some few Indian Mohamedan merchants. The Hindoos are of more saving habits than the Mohamedans, who are much more debauched.

626. Do you apprehend, from the state of society in the lower provinces, that it would be possible to raise any more revenue by means of indirect taxation?—The wealth is in existence; but I cannot speak, on the spur of the moment, of any means by which it could be got at by indirect taxation, their wants are so few.

627. What is the nature of the sayer duties?—They were originally, I believe, duties on ghauts or landing-places, and on markets; but I think they are almost entirely abolished.

628. Are there still other duties under the name of sayer duties?—Perhaps abkarry, or the taxes on spirituous liquors and opium, are included under that head, but I thought not.

629. What is the nature of the abkarry duties?—They are taxes on spirits and opium, and ganga, and other intoxicating drugs.

630. In what manner are they collected?—I never had charge of any collections of the nature in question, and cannot speak to it.

631. With the exception of those duties, of the revenue of salt and opium, of the transit duties, and the duties of sea custom, there are no other modes of collecting revenue, except on the land?—I think there are no other but the pilgrim taxes at Juggernaut and Gyah.

632. Do the zemindars make advances to the ryot for cultivation?—Yes, they may, and in some instances doubtless they do.

633. There has been some increase, has there not, of the land revenue in the lower provinces since the settlement?—Yes, but very small, I should think; and in some instances it has probably decreased.

634. In what manner has the increase arisen where it has been?—From the cultivation of wastes not supposed to be included in the perpetual settlement.

635. There are some jaghires which have fallen in lately, are there not?—Yes, doubtless some jaghires have lapsed.

636. Can you look forward to any considerable improvement from the Sunderbuns, or the cultivation of land supposed not to be included in the original settlement?—In all those districts that border on the Sunderbun forest I apprehend that there may be very considerable improvement in the course of time; the forest

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is of enormous extent. I am speaking, of course, of the permanently settled districts.

637. When land has been brought into cultivation, supposed not to be included in the original settlement, in what manner has the revenue been assessed of late years?—There has been great difficulty in getting any revenue. The native landholders cling very closely to the terms of the perpetual settlement, and insist upon that engagement as including the land recently cultivated. They very naturally resist any attempt on the part of Government to increase the revenue, and assert that the lands which the Government claim a right to assess were included in their several estates at the time of the perpetual settlement.

638. Has the Government insisted on its rights?—It has litigated them. Whenever it has succeeded it has been by the consent of the parties, or by litigation in the courts, not by any arbitrary proceedings.

639. In what manner has it dealt with those lands for the purpose of assessing the revenue when it has gained them?—It always understood that the zemindar is entitled to have the settlement made with him.

640. Has a settlement been made with the zemindar in all cases?—In one case, to my knowledge, under very peculiar circumstances, it was made with the ryots.

641. Can you state the circumstances?—Yes; I formed that settlement myself.

642. What were the number of ryots with whom the settlement was made?—I think between two and three hundred.

643. What amount, on the average, did each person pay?—It is impossible to form an average; it varied, I think, from two hundred rupees a year to half a rupee a year.

644. What time were you occupied in making that settlement?—I think about five or six weeks.

645. Supposing the proprietor of that land which was assessed at half a rupee should die, and his property be divided, as by law it would be, among five or six children, to whom would the Government look for the revenue?—To the person or persons in possession, whoever they might be.

646. Would not a settlement be required to ascertain what proportion of that sum should be paid by each individual?—I think the Collector would get it as he best could: he would get it from somebody; from the person in possession.

647. Can you state at what price salt is retailed to the people of Bengal?—It varies so very extensively, I cannot state it with any precision.

648. The market price varies from time to time?—Yes; I

have seen the average prices in print, or in the public records; they were stated very precisely, but I cannot detail them. 4 Mar. 1830.

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649. To what purposes do the natives apply salt?—I have heard that in some parts of the country they give it to cattle; otherwise I believe it is used entirely for human food.

650. Do they make great use of it?—Yes; their diet is vegetable, therefore I believe that it is peculiarly necessary.

651. Are they enabled at the present price of salt to obtain possession of so much as they want for culinary purposes?—I think if the price was lower they would use more; but I have never heard complaints that they had not enough; no native ever told me he had not enough salt.

652. Can you state the condition of the salt manufacturers?—It is about upon a footing with that of other persons of the same class in the community.

653. It is not inferior?—I think not.

654. Do they select that manufacture by preference?—Undoubtedly; there is no compulsion whatever.

655. In what manner is the population of great towns composed; of what description of persons?—I should think that the population of the large towns is more Mohamedan than the general average of the country.

656. What is the condition of the population; are there many persons of considerable wealth, or are they generally poor?—There are many persons of considerable wealth. Many of the large landed proprietors do not live upon their estates, but live in the towns.

657. Are they in the habit of living a part of the year on their estates, and part in town?—They generally live a part of the time on one, and part on the other; but I am not aware that there is any season at which they would go from one to the other.

658. Have they large houses on their estates?—Yes.

659. Have they establishments there?—Yes; but I should apprehend that they transfer their establishments from the town to the country, and back again. They are fond of large bodies not of retainers and fellows running after them.

660. Is the quantity of salt produced each year pretty much the same, or does it vary?—Pretty much the same; but I believe that it has been growing larger and larger with the population.

661. What occasions the great variations in the price?—I am not aware that there is any very great variation.

662. Are natives employed in the higher situations of the revenue service to any considerable extent?—The tehsildars in the upper provinces are the highest revenue officers who are

4 Mar. 1830. natives. There are no tehsildars in the lower provinces, where the settlement is permanent.

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663. What is the highest amount of salary any native receives in the revenue service?—I cannot answer that; the records will show that.

664. What was the highest salary of any native writer in the territorial department?—There was one very clever man indeed, who, I think, got thirty or forty pounds a month.

665. What was his situation?—I think he had the management of the salt division of the duties of the office.

666. Where they have been in the receipt of suitable salaries, have they proved trustworthy, and equal to the duties imposed upon them?—They are certainly equal, in point of ability, to any duties.

667. Have they proved trustworthy, as far as your observation goes?—They require very great and constant vigilance and superintendence; I do not think that a native is to be trusted without that.

668. Will you state whether those persons are Mahomedans or Hindoos?—They are generally Hindoos. The person to whom I alluded was a Hindoo.

669. To what extent is the half-caste population employed in the several departments of Government?—They are employed as clerks and copyists to a very considerable extent.

670. What is the highest situation held in any department of Government by a half-caste?—The Registrar in the territorial department, a Mr. Francis, a very superior man, was a half-caste.

671. What may have been the amount of his salary?--I think he had from five hundred to seven hundred rupees a month—from fifty to seventy pounds a month.

672. What situations do half-castes hold in the police?—Only as clerks; not actually as officers of police; as clerks to magistrates.

673. Are they not employed in the military police?—Not in the interior, that I am aware of; I never knew a half-caste so employed.

674. Are there any mercantile houses at Calcutta possessed by half-castes of very considerable property?—I think the house of Baretto and Co. were half-caste, but that house is closed. Mr. Kyd, a very large shipbuilder, is a half-caste, as are some members, I believe, of the house of Brightman.

675. Have you any idea of the value of their property?—No.

676. Are they engaged to any considerable extent in the country trade?—I am not aware; I never made any inquiries

as to the different directions in which they employed their capital.

677. Is there any regulation which excludes them from the military and civil service of the Company?—I believe there is, when they are the sons of native mothers.

678. The Regulation does not apply to half-castes the sons of mothers not natives of India, does it?—I should think not.

679. It does not refer to the sons of Caffres?—I believe not.

680. Do half-castes serve in the Indian army as privates?—No.

681. Have they never served as drummers and musicians?—Yes, I believe they do.

682. But not as non-commissioned officers?—No, nor as privates; there are only two classes of soldiers, to the best of my knowledge, the European soldiery and the native.

683. They are employed only as clerks in the civil service, with the exception of one, who is Registrar?—Just so.

684. Are they employed in the marine service?—I cannot say.

685. Is there no Regulation applying to the second generation of half-castes?—No, I believe not. I have known many in both services who had a greater or less degree of native blood. Colonel Skinner, who commands a native corps, a very distinguished officer, is a half-caste. I have heard him say that his mother was a Hindoo. She was of the Rajpoot caste, which is the military caste, the second in the scale. He is a C. B.

686. Do the majority of half-castes reside at Calcutta?—Certainly they do.

687. Can you give any estimate of the number of half-castes residing at Calcutta?—No, I cannot.

688. During the time that you had an opportunity of observation, do you consider the number of half-castes to have materially increased?—No, I do not think that they have. If a half-caste marry a native woman, the children are merged in the native population; if he marry an European woman, they lose the opprobrium of being half-caste.

689. Is there no increase in consequence of the number employed by the Company?—No; the European servants of the Company marry English women more generally than at an earlier period.

690. How do those half-caste persons employ themselves generally who are not in the service of the Company?—They are almost universally servants of the Company as clerks. The more intelligent members of the body have reproached their brethren as being a race of clerks and copyists; they have, with very few exceptions, confined themselves to that employment.

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691. Does the restriction applicable to British-born subjects, with regard to the purchase of land, also apply to the half-caste?—No; they are natives in the eye of the law.

692. Colonel Skinner is a man of large property, is he not?—Yes; he has a jaghire of land, I think, which was given to him at the end of Lord Lake's war. He is a man of great influence among the native population; he could raise, I should think, 10,000 men at any time.

693. Are not those half-castes who have engaged in agricultural pursuits more intelligent and improving in general than the other class of natives?—They have more advantages: I do not think they are naturally more intelligent; they have often better education.

694. Have they, in point of fact, effected a greater improvement in land which has become their property, or been cultivated by them?—Yes, I should say they have. There is a son of Colonel Gardner's, who is a half-caste, who I heard had greatly improved his estate. Colonel Gardner also commanded a corps of irregular horse.

695. Are the half-castes allowed to enter into the service of native princes with whom we have treaties?—Yes, I believe so; there is no provision to prevent them.

696. They are not considered in that light as Europeans?—No.

697. When you speak of the half-castes who have improved their estates more than the natives, they are persons who possessed greater information?—Yes; the instance I have given is the only one that I can call to mind. I understand some have made improvements.

698. They have establishments affording them considerable means of improvement and information in Calcutta, have they not?—Yes, they have. The very lowest class of this description are the descendants of the Portuguese.

699. Are the half-castes Christians?—Yes, I believe so, almost universally.

700. Do you know any instance of any half-castes not Christians?—I have heard of some who are said not to be Christians.

701. They do not commonly intermarry with the natives, do they?—I cannot say whether they marry them; they frequently live with them, I believe.

702. When they intermarry amongst themselves, of what description is the second or third race; is it improved; is it more of the European or the native character?—I do not remember any instances; I have not been long enough in India to have traced such descents.

703. Half-castes who have good characters, and are wealthy

and well educated, bear the same consideration in society as British-born subjects, do they not?—Persons of high feeling among the civil or military servants would be apt to treat them with rather more consideration; and, on the other hand, persons of vulgar minds would be apt to treat them disrespectfully.

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704. Is it the effect of this sort of distinction to create a coolness and separation between the two classes?—I have known many half-castes who seemed to feel themselves on a perfect equality. I think Colonel Skinner and Mr. Kyd the ship-builder do.

705. Have the institutions for educating the half-castes in Calcutta received any support or countenance from the Government?—I believe they have from the local government, under the sanction, I suppose, of the Company; but I am sure they have from the servants and officers of the Company.

706. Are they generally treated as a degraded class?—It cannot be concealed that they are not generally on a par with Europeans either in mind or body; they are not considered, as a class, to stand on a level with Europeans; but there are very many exceptions to this rule.

707. Then the marks of attention and kindness that are shewn them from the higher class are deviations from the general usage, are they not?—No; I would say, not from the general usage of the educated part of the community.

708. They are treated with kindness by a small number of persons comparatively, are they not?—I should not wish that to be recorded as my answer, for there are a great many who would them with as much kindness and attention as Europeans. Those who have high feelings treat them with careful and delicate kindness; and those who have vulgar minds must be expected to treat them in a contrary manner.

709. Is the evidence of half-castes taken as readily as that of an European?—Undoubtedly.

710. Is as much confidence placed in it as in that of an European?—Certainly; *cæteris paribus* in other respects.

711. In the interior of the country, are they considered as Europeans or as native subjects?—They are natives in the eye of the law; they are subject to the Regulations as natives, as much so as any Mahomedan or Hindoo.

712. They are subject to the law which affects their mothers?—Yes.

713. How are they considered by the natives generally?—All the feeling which the natives have against us they have also against the half-castes, whilst they probably have not the same respect for them as they entertain for us. They are Christians, and they eat with any body; and these are the two great offences in the eyes of the natives.

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714. Is there no difficulty in considering them as native subjects, while they profess the Christian religion?—They are subject to the Mohamedan law, and that is a difficulty, doubtless.

715. Can you state in what manner and by whom the police is appointed?—By the magistrates, subject, I believe, in all the higher offices, to the confirmation of the court of circuit.

716. A policeman is displaceable by the magistrates?—I believe he is. I never was a magistrate myself.

717. The police of the district is under the superintendence of the magistrate at the head of that district?—Yes.

718. In what manner is it organized?—In separate tannahs or divisions. The pergunnah is a revenue division; the tannah is a police division. But I cannot speak with so much confidence upon this head, as I never was actually a magistrate, nor had charge of the police of a district; I was merely Deputy Secretary to Government in the department.

719. Is the police of one tannah confined to that tannah?—I believe that it generally is so.

720. What is the extent of a tannah usually?—I believe that it varies very greatly, and I cannot speak with any accuracy. I believe that the tannah jurisdiction often tallies with the revenue division, the pergunnah.

721. In what manner is the police horse officered?—By natives entirely.

722. Do the officers bear a large proportion in number to the whole number of the police?—No, I should think not; certainly not, I should say.

723. What is the salary of a policeman?—I cannot say.

724. Can you state that of an officer?—No; the records will give that exactly. I do not bear it in mind; but I do think it is not an adequate salary, according to the best of my information; and I believe that this insufficient pay often leads to great abuses.

725. Is the police efficient for the prevention of crimes?—I believe it to be so.

726. Is it improved?—Greatly, certainly.

727. Are there still robberies to any considerable extent on the navigable rivers?—Not at all to the extent they were formerly.

728. Is there a river police?—There is, I think, near Calcutta, and near Dacca, and in other parts, but not very generally. The improvement in the police can be proved beyond all doubt from the great diminution in the number of crimes.

729. Is that the case in the provinces where decoity prevailed?—Very greatly.

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730. Can you state in what proportion the number of crimes has diminished?—I think in the lower provinces the average of decoities of late years is about as one and a fraction to seven, as compared with the state of things twenty-five or thirty years ago.

731. When a person is arrested, where is he taken in the first instance?—To the tannahdar.

732. To what extent is justice administered in criminal cases by natives; what punishment are they allowed to inflict?—I think scarcely any; but I cannot speak confidently as to details, as I never was a magistrate. In the district of Kishnagur, formerly most notorious for decoities, that crime has decreased from an average in former years of two hundred and fifty or three hundred to eighteen or twenty.

733. What is the jurisdiction of the sudder aumeens?—It is entirely civil, I believe.

734. To what amount are they entitled to decide suits?—The Regulations specify the precise sum; I cannot state it; but it has been increased of late years.

735. Can you state the amount of their salaries?—They are very often the native Hindoo or Mohamedan officers of the court, and it varies with that circumstance: if they are so situated, the highest paid gets about twenty pounds a month; if he is a native officer of a court, he gets that sum altogether. Sometimes they are expounders of Hindoo or Mohamedan law, in addition to being sudder aumeens.

736. Did the sudder aumeens in general administer justice satisfactorily?—I believe so, when they were well superintended: all native agency depends entirely upon that; and speaking entirely upon personal knowledge, I never knew a native who could otherwise be trusted.

737. Is that owing to the smallness of their emoluments?—Partly, no doubt; but chiefly the general depravation of society.

738. If they were well paid, do you think they would be trustworthy?—More trustworthy, certainly. The experiment has never been tried, but it ought to be tried.

739. Can you state the jurisdiction of the moonsiffs?—I believe there is a moonsiff attached to every tannah station, who decides petty civil cases within the district of the tannah. I think there are as many moonsiffs in a district as there are tannahs.

740. Are any causes decided by punchayet in the lower provinces?—No; unless the Judge thinks proper to summon a punchayet.

741. It is not the custom in the lower provinces to have

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recourse to that?—No; nor I believe, for many years, the custom of any part of the Bengal presidency.

742. If a European committed any offence, would the police be empowered to seize him without a special order?—I believe that all Magistrates are justices of the peace.

743. Would the native police be empowered to seize a European in the commission of an offence, without special authority from a Magistrate?—They probably would do it. I do not know how the Regulations run in that respect. If they were in sufficient numbers they would do it; but they are greatly afraid of a European. They would not do it unless they were in overpowering numbers.

744. Did any complaint reach the Board, while you were Secretary, of the conduct of the native police; any oppressions on natives committed by them?—I do not recollect any particular instances; but I have said that I consider the officers of the native police to be inadequately paid, and I believe that they exercise considerable oppression at times.

745. Does the Magistrate in general exercise a vigilant supervision over them?—It varies of course; but the circumstances of the country and the immense size of the jurisdictions considered, I do not think that the police in India can be held to be inferior to that existing in any part of the world.

746. Is the attention of the Secretary in the Judicial Department directed to the state of the police?—Undoubtedly.

747. To what provinces has the permanent settlement been extended?—Bengal Proper and Bahar.

748. Is there any record kept of the sales which have taken place under the Regulations?—Undoubtedly they have been kept. I believe there is a record of every year. A general record might be made up from them.

749. Do you know from those records what is the proportion of property which has come to sale under the Regulations of that settlement, since it has been established?—No; but very great, I should think.

750. Three-fourths?—Perhaps it is equal to that. I can explain, however, why the generality of those sales took place at an early period of the permanent settlement, if it is wished.

751. They have been sold for balances, have they not?—Certainly: but the zemindars were men quite unfit for the place into which they were put; they were not men of business nor men of agricultural knowledge in any respect. I do not believe it was the severity of the assessment that generally occasioned the sales in question.

752. You state that a great improvement had taken place in the police; under what system is the police now managed?—

There is a Magistrate of every district; the districts are of a very large size; the average population of a district is 2,000,000. 4 Mar. 1830.

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753. How has the particular crime of decoity been got rid of?—It was at the highest pitch in 1808, and it was then that the class of men called goyendahs was employed to give information of the habits and haunts of the decoits. Mr. Elliott and Mr. Blaquiere were the persons most actively employed in putting down the crime; they arrested every person who was suspected of being a decoit; and I think in the year 1812 there were 1,200 men confined in the gaol of Kishnagur or Nuddea till they should give security for their good behaviour. In 1808 there were 350 or more decoities in Kishnagur alone.

754. Describe the nature of their offence?—It is a crime of the most dreadful atrocity: it is a crime committed in gangs; ten, twenty, fifty, or a hundred, or even two hundred together, attack and plunder a village, generally at night. In 1808, Mr. Elliott and Mr. Blaquiere were deputed to the district, with subordinate European officers, and they arrested and confined the suspected persons. In the years 1812, 1813, and 1814, they had brought down the crime to three, four, or six in a year; and during one year I think there was no decoity committed. After this period the crime rather got up again, till it reached an average of eight or ten in a year. In the year 1818 the Government found it so great an evil keeping all those persons in confinement, (not that I believe they were unjustly confined; they were all decoits,) that there was a commission appointed to go round to the gaols of the different districts, and to relieve such persons as could be set at liberty with any regard to the peace of the district. In the year 1818, accordingly, a great number were released, and the consequence was an immediate increase of the number of decoits, but not at all to the former extent; the average rose from ten to about twenty or twenty-three per annum. The prisoners were released gradually, I believe. Since that period the whole of those persons have been released; none, I think, are now in confinement; and, under those circumstances, the crime has been again reduced to its former level of eight or ten per annum.

755. Do you know whether they continue the system of goyendas?—Not to any thing like the extent they did formerly. The Magistrates, doubtless, receive private information, as they are bound to do; but there are no professional goyendas.

756. Was that laid aside in consequence of the practice which then prevailed amongst those persons of extorting money, and laying informations against innocent persons?—I believe so.

757. Did the decoits ever attack an European?—Yes. I think, for instance, that the paymaster to one of the King's

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regiments was murdered a year or two ago; since I left India.

758. Have you reason to believe that they are reviving of late? —No. I have seen something stated of late in print, upon the increase of the crime in or after 1818; the author in question not being aware that all the suspected persons had been released from confinement in that year.

759. Do you recollect whether an order went out at one time, that if any farther estates were forfeited for the balances, they should not be let to zemindars, but let upon a ryotwar settlement?—I believe that there was such an order.

760. Do you know whether that has been done to any considerable extent?—No, I believe not; principally, I believe, from want of hands to carry it into effect. Your Lordships can have no conception of the labour of forming a ryotwar settlement, of the time it takes, or the number of hands necessary to carry on such operations generally.

761. Are many of the zemindaries very small?—Some are very small; some, I believe, do not pay more than eight or ten rupees a year to Government; but probably they were parts of a large zemindary that had been divided at some former period.

762. Is there not some process under the Hindoo law by which a Magistrate may summon something in the nature of a jury to settle private disputes among the natives?—No. The Judge is enjoined, I believe, by our Regulations, to endeavour in all possible cases to persuade the parties to settle their disputes by arbitration, but the natives have no confidence in any thing but the decision of an European officer. The punchayet is almost unknown under the Bengal Presidency, and the natives on our side of India have no confidence in the judicial integrity of their brethren.

763. You stated, in the early part of your evidence, that you have been engaged in effecting a ryotwar settlement; what was the cause that led to that ryotwar settlement being effected?—The estate of the zemindar bordered on the Sunderbun forest, and Government sued him to recover its revenue upon the land which had been brought into cultivation from the waste since the period of the perpetual settlement. The Revenue Authorities gave a decision in favour of Government. An appeal lies from the Revenue Authorities in such cases to the regular courts of justice, but then the person in possession is obliged to give security for the regular payment of the revenue from the date of the decision of the Revenue Authorities, in case that court of justice shall confirm the decision of the Revenue Authorities in favour of Government. The zemindar in question declined to give such security, and the estate was consequently attached. This was the estate (Kishenrampore) which has been

often mentioned in the letters of the Court of Directors, in consequence of the complaints of the ryots of the excessive tyranny and extortion of the zemindar; and I, being then commissioner in the Sunderbuns, found that those complaints in some instances were not overstated. I represented these circumstances to Government, and submitted my opinion that a ryotwar settlement should be formed, and I was ordered so to form it.

764. Are you aware whether there was a sensible variation in the condition of the ryots subsequently to the formation of that settlement, as compared with their state under the zemindar?—No doubt. I formed a light settlement purposely. I lived six weeks or more upon the estate with the ryots, and have never been there since; but if I might judge from their joy at the time, they were more than delighted.

765. Have you had any opportunity of knowing since whether the rent fixed under your settlement was collected with as much regularity and facility under the ryot settlement as it had been previously under the zemindary?—Certainly. The zemindar had paid a peppercorn rent, for nine-tenths of the estate were not in cultivation at the time of the permanent settlement, and consequently only one-tenth was assessed. He had no difficulty in paying the peppercorn rent; but when I formed the settlement in question, fifty times more was realized from the estate than the zemindar had paid.

766. Was the rent from the ryots collected with as much facility as those of other estates let to zemindars at nearly their full value?—There was this difference of expense, that there was an officer, called a sezawal, appointed to collect the revenue from the several ryots. There was the difference of the expense of management, as the sezawal's salary, &c.

767. Subject to that deduction, there was a great benefit?—Certainly.

768. Do you consider the land in the Sunderbun as particularly valuable?—It is rather salt; it is very low and flat, and subject to inundation, but when it is reclaimed it is very good. It will only grow rice-crops.

769. Do you know whether any salt is now imported into Bengal from Madras?—A great deal annually.

770. Is there any particular return-cargo usually sent in exchange?—I am not aware of any. They send salt from Madras annually to a very considerable extent.

771. Do you consider the salt that comes from Madras as superior in quality?—No; I think it sells generally from eighty to one hundred rupees per hundred maunds cheaper.

772. Do you conceive that if the salt manufactured in the

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Sunderbuns could be greatly increased in quantity, it would exclude the Madras salt?—Yes. I recollect representing to Mr. M'Kenzie, the Territorial Secretary, that I thought the quantity of salt made in the Sunderbuns could be greatly increased; and he stated that it was a great object to have the salt from Madras, because it not only employed the country shipping, but enabled the persons making it to pay their revenue under the Madras presidency. But your Lordships must not suppose that salt is only manufactured in the Sunderbuns; there is a great deal made in Cuttack, a great deal at a place called Hidgelee, on the right bank of the Hooghly, and a great deal at Chittagong.

773. Do you know whether the quality of the Bengal salt has been improved considerably of late years?—I believe it has, but I do not speak from certain knowledge.

774. Do you know how the sales of salt are regulated?—By public competition: it is sold in large quantities by public sale; but I apprehend, from the prices which the salt reaches, that the supply is not sufficient.

775. Is it not sold in quantities so large as to confine the purchases to a very small number of natives?—I should think so.

776. By whom it is sold again to the people at large?—Yes; that is a great evil, undoubtedly.

777. Is that the cause of the high price, there being a monopoly in that way?—No; I consider an under-supply to be the chief cause; that referred to is partly the cause, no doubt.

778. Have you any idea of what is the rate of profit those large purchasers made?—No; it varies. On one occasion I know that the Government was obliged to let off purchasers to an enormous extent, who were almost ruined by giving more than they could afterwards realize. Sometimes they gain a good deal, sometimes they gain little, and sometimes, I believe, they lose.

779. Very few instances have occurred where the ryots' settlements have been established, where the zemindar's estate has been brought to sale in consequence, and failed to pay, although orders have been issued by the Court of Directors that in such cases that should take place?—Very few; and I explained the cause, which is, I believe, the want of hands and leisure for such arrangements. The pressure of business is so intense in India, that to get through the current business is almost as much as any man is equal to.

780. It has been only in the case of small zemindaries?—Just so.

The witness is directed to withdraw.

Ordered, That this Committee be adjourned till To-morrow, one o'clock.

Die Veneris, 5° *Martii* 1830.

The LORD PRESIDENT in the Chair.

HUGH GEORGE CHRISTIAN, Esq. is called in, and examined as follows:— 5 Mar. 1830.

H. G. Christian, Esq.

781. HAVE you resided in India?—I have.

782. In what situation?—Chiefly as collector of land revenue in the upper provinces.

783. Were you a member of the special commission which was sent into the upper provinces?—Yes; a special commission appointed under Regulation of 1821, of which I was senior member.

784. What was the object of that commission?—To restore lands to persons who had been deprived of them by illegal and unjust public sales, or who had lost them by private transfers effected by undue influence; and to correct the errors or omissions of the proceedings of the Collectors at the formation of the different settlements, in regard to the recognition of proprietary rights, and to inquire into the tenures, interests, and privileges of the agricultural community. The jurisdiction of the commission was confined to the districts of Cawnpoor, Allahabad, and Gorruckpoor.

785. Had no such inquiry into the rights of the agricultural population taken place before the settlement was made?—Partial inquiries; but the rights of the agricultural community are involved in considerable confusion in India, owing to a want of a proper definition.

786. What was the nature of that settlement under which those improper sales had taken place?—The sales generally had taken place, I think, for balances accruing during the first and second triennial settlements of the land revenue; as far as I can now recollect, the jurisdiction of the commission extended only to the year 1817, Fussilee era; the corresponding period will be found in the Regulations of government. I do not recollect the year; that is, the English year.

787. Had those sales to which you have referred taken place to any considerable extent?—To a very considerable extent.

788. Were you enabled to give redress?—Effectual redress, so far as the proceedings had been conducted when I left the commission.

789. In most, or in all cases?—In most cases.

790. To what cause did you attribute the injury that had

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been done?—To the malversation of the native revenue officers chiefly, and to the supineness of the European functionaries, if not to their misconduct.

791. Had you power to inquire into the misconduct of the Collectors, the European officers?—No.

792. Was any inquiry made into their conduct?—Not that I am aware of.

793. Did you represent their misconduct to the government? No; we were a judicial tribunal.

794. Was there any kind of inquiry instituted for the purpose of examining into their conduct?—No cases directly affecting them came forward, that is, as far as I can recollect at this distance of time; it was only incidentally that we could form an opinion of their misconduct.

795. Was not their conduct incidentally stated to government in the course of the reports of your proceedings?—I cannot exactly recollect; but the reports are on record.

796. Are you aware whether the persons whom you had reason to suspect of corruption or supineness are still in the Company's service?—I believe not.

797. Do you know whether they have retired from the service?—I believe one was drowned; I do not know as to the others; that is, I cannot precisely state what has become of them.

798. How long have you been in the upper provinces?—About nineteen years. I was about four years and a half on the special commission; and the greater part of the time I was Collector of Land Revenue.

799. Did the condition of some provinces appear to improve from that period?—Certainly.

800. Were they in a very unsettled state when you first went there?—Yes, I think they were; the people were turbulent and refractory in parts.

801. In what manner was the revenue settled?—The revenue was settled generally upon conjectural estimates, at least as far as I can speak to my own knowledge. When I formed settlements, I formed them on conjectural estimates given me by the native revenue officers, and the village accountants were required to submit their accounts; but in most cases their accounts were fabrications.

802. You had knowledge of the productive power of the land, enabling you to form a judgment, probably, as to the extent of the revenue which might be derived from it?—I must confess I had not much knowledge of the produce of the land.

803. Had you any persons to advise with, who were acquainted with the subject?—The native revenue officers, or

the native collectors, and the officers of account; and by looking, in some instances, to what the native governments derived from the villages, and considering as many accounts as I could get hold of that appeared entitled to attention, I endeavoured to make as equitable an assessment as I could; but, as I mentioned, it was but a conjectural one.

804. With what persons did you form that settlement?—Chiefly with the zemindars or land-owners.

805. Did you fix a certain rent on each village, and then compound with the zemindar for the payment of this?—Not always upon each village. There were large estates comprising many villages, and the revenue was, in some instances, fixed on each village; in other instances it was fixed, in the aggregate, on the whole.

806. Was the revenue generally regularly paid?—It varied in different districts.

807. For what period did you make the settlement?—I can hardly recollect, it was so many years ago; but I think the last settlement I made was for five years; the quinquennial settlement.

808. Have you found that the same persons were disposed to contract afresh at the end of the lease?—Yes, if the terms were moderate.

809. Was there a frequent change of contractors?—Yes; because it was the wish of Government, or rather of the Board of Commissioners, that all the land-owners should be preferred to the farmers; consequently there were mutations of tenure.

810. The settlements, therefore, were usually made with old proprietors?—Yes, in all or most instances, as far as was possible or practicable, unless they refused to engage, or were not forthcoming or ascertained.

811. What power was given, under the Regulations, with those proprietors with whom you formed the settlement, to obtain the payment of the revenue from those under them?—That will be found recorded in the Regulations. I cannot recollect all; but there were various powers.

812. Was it a power only sufficient for the purpose, or did it appear to be capable of enabling them to exercise oppression?—In some instances, I think, they had too much power; that is, the power of distraint was abused.

813. Is a remedy applied to that abuse?—Yes, I think it is; but I cannot say, not having much experience.

814. Did you find, on the termination of a lease, that you could obtain the same revenue as you did before?—That would depend on the former assessment, whether high or low.

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815. Did the revenue of those districts generally improve?—Yes; they were in a progressive state of improvement.

816. Did the condition of the people appear to improve?—I think it did.

817. Are any of the zemindars or proprietors with whom you formed settlements men of considerable property?—Yes, I think they are; that is, some, not many.

818. Have they any taste for European luxuries, or the means of indulging in them?—Some may have a taste, and some, certainly, have the means of indulging that taste.

819. Were the ryots to any extent consumers of British manufactures; were they clothed in British cottons?—I do not recollect.

820. Were any British manufactures sold in that country?—I believe there were.

821. Of what description?—I think imitation shawls were sometimes sold.

822. Did the sale of British manufactures appear to increase?—I had no opportunity of forming an opinion.

823. What was the chief produce of that part of the country?—The district of Allahabad, at the confluence of the rivers Ganges and Jumna, the chief produce was wheat, barley, various kinds of grain, maize, pulse, sugar-cane, cotton, rice, and other kinds of grain.

824. Was any silk manufactured in that part of the country?—Not to my knowledge.

825. Is the cotton of a good description?—I do not know myself; I have heard that the fibre is not very long.

826. Was any of that exported?—I do not exactly know; I should suppose it was not all consumed in the district.

827. You were at one time a member of the Board of Revenue, were you not?—For a very short time for the lower provinces. I was chiefly engaged in the upper provinces as Acting Collector of Allahabad, and Collector of Agra, and Acting Collector of Furruckabad, and Acting Collector of Moradabad, and Acting Collector of Bareilly, Acting Collector of Gorruckpoor, Acting Collector of Cawnpoor, and in charge of Shekohabad.

828. Those are all towns of large population, are they not?—Not all of them; some are. Allahabad is a town not of very extensive population, but the remains of a large town. Agra has been a very considerable city, but is now in a state, some part of it at least, of ruin.

829. What is the composition of the population of those different towns?—Chiefly Hindoos, and some Mussulmans; Hindoos of various castes.

830. Are they manufacturers to any extent?—I did not recollect whether they are manufacturers to any extent; I did not reside much, if at all, in the towns; I merely passed through occasionally.

831. How do they obtain their livelihood?—I believe they are manufacturers to a certain extent in weaving cloths and other articles; I mean, following trades.

832. Do the zemindars of the country reside in those towns at any period of the year?—Not generally; they come in occasionally to pay their rents, and on business either at the courts of judicature or the Collector's office, and then they take up their residences in those towns.

833. The population is usually composed of poor persons?—I think it is.

834. What are the duties of the Board of Revenue?—To superintend generally the revenue of a certain portion of the country, and the conduct of the different Collectors placed under them.

835. What extent of country was under the Board of Revenue of which you were a member?—I was only a few months in Calcutta; my health failing, I was obliged to go to sea; therefore my knowledge of Bengal is very small. I had the charge of the Morshedabad division of the Board of Revenue; but I was but a very short time in Calcutta.

836. Is the responsibility of all the members of the Board of Revenue equal?—Yes, I think it is.

837. The President of the Board has no superior authority or responsibility?—If I recollect rightly, the President of the Board of Revenue is a member of the Supreme Council; I do not recollect that the Acting President has any superior power; he generally takes up cases of a miscellaneous nature; but I do not know that he is vested with any special power.

838. Do they act as a body, or divide the business between them?—When I was in the Board they divided the business, in consequence of an accumulation of arrears of business.

839. Did they ever act as a Board?—Sometimes I have known them meet in consultation.

840. The report of the Board of Revenue is practically the report of an individual member of the Board?—No individual member can upset or reverse the order of a Collector; if he upsets or reverses the order of a Collector, he must get the confirmation of another member.

841. If a particular member of the Board of Revenue has investigated a subject, is the concurrence of the other members of the Board a matter of course, or do they look into the subject themselves?—Each member is responsible for his own division. The cases of importance are generally or sometimes consulted

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on; but I do not know any particular necessity that obliges them to consult, that is, if they concur with the Collector.

842. Usually the act is the act of an individual, and the responsibility that of the Board?—Yes.

843. What are the charges of collection in the lower provinces, besides the salaries of the Collectors?—I do not know of any, except the salaries of the canongoes; it is an office established in the different pergunnahs or divisions of the district, an office of registry and record. The Collector's salary and office establishment are not included in this remark.

844. You are not acquainted with the details of the charge of collection?—No; my knowledge of the Bengal provinces is very limited indeed.

845. When you acted as Collector in the upper provinces, did you exercise any judicial authority?—Before I was appointed Collector of Land Revenue I was Acting Register of the city of Benares, and Acting Magistrate in Furruckabad.

846. Did you as Collector exercise judicial authority?—Not to the best of my recollection and knowledge.

847. Have you any means of judging whether the assimilation of the rupee in the upper and lower provinces to the value of a sonaut rupee, and the consequent demand from the zemindar, with whom the perpetual settlement has been made, of a greater number of rupees, containing the same intrinsic value of bullion, would be likely to produce dissatisfaction?—I think they would be dissatisfied. Any change is viewed by the natives with a very considerable degree of jealousy; and any change, however just, they do not understand, and they are apt to suspect that something more is coming, although I should consider an assimilation would be a very good measure.

848. From your knowledge of the state of the population of Bengal, and the territories subject to the Bengal government, do you think there are means of raising the revenue by indirect taxation to any extent?—Any change from established custom in India gives rise to a great deal of dissatisfaction. The land rent is what they readily pay; although it may appear exorbitant, yet it is a revenue that is paid without much difficulty; and a tax in any other shape, however small, is comparatively disliked, I think.

849. Have you any means of forming a judgment whether such transit duties as exist in Bengal were productive of injury to the internal commerce of the country?—My knowledge of Bengal is too limited to admit of my speaking to it.

850. With respect to the lower provinces, can you speak to that fact?—I had no opportunity of forming a judgment.

851. You stated that at the confluence of the Ganges and the Jumna, among other articles, there was a considerable quantity

of sugar grown; is that quantity increasing, to your belief, or diminishing?—I do not know.

852. Was the quality ameliorating or deteriorating?—I do not know.

853. You stated that the settlement was made with the landholder or zemindar; do you mean that the country was put under a zemindarry settlement?—Yes.

854. What powers had you to oblige a zemindar to fulfil his contract?—Chiefly sales of land in the lower provinces for a deficiency of revenue.

855. By distraint?—No; selling the land; it is the same thing, however: the term appears more applicable to moveable property.

856. What powers has a zemindar to oblige the fulfilment of the bargains with him of those for whom he contracts?—They are recorded in the Regulations of government. I think he has a power of distraint.

857. Do you know that he has that power?—I think he has.

858. Did you, while you were there, hear of no difficulties under which the zemindars laboured in obliging the ryots to contribute their proper portions?—Yes, I have occasionally heard of difficulties; but I have heard the ryots complain of the oppressive conduct of zemindars in the same way.

859. Was not there a Regulation to oblige the zemindars to grant certain leases?—Yes.

860. Was that carried into effect in the district in which you were?—It was generally evaded.

861. What is the proportion of the assumed portion of the land that is assigned to the government as the landlord's?—As far as I can recollect, it being many years since I made settlements, my instructions were, assuming one-half of the gross produce to be the government's share, that fifteen per cent. was to be deducted from that half.

862. What became of that fifteen per cent.?—It went to the zemindar.

863. The total portion taken on the part of the government was half the gross produce?—Nominally. What I considered to constitute the basis of the assessment was more nominal than real, for we could seldom ascertain the gross produce, as the landlords will not surrender their correct rent-roll; and we, in consequence, had recourse to conjectural estimates, which is rather a clumsy contrivance.

864. Do you suppose it was oftener more than less?—I think in some parts of the country the district was over-assessed, and in others under-assessed, and in others moderately assessed.

865. You cannot say which preponderated?—I think Bengal

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is in general lowly assessed, and so are Behar and Benares, as far as I can judge, not having any positive knowledge of those parts of the country; and the upper provinces are, in my opinion, comparatively highly assessed.

866. In the different species of settlements that you have had an opportunity of considering, is there one which appears to you preferable to the others, as respects either the interest of the Company or the advantages of the cultivators?—I think that as a permanent settlement was promised, it ought on that ground to be given, but on no other; for I consider that the permanent settlement is not so appropriate to the state of the country as a twenty years' lease would be.

867. The question is not as to the duration of the settlement, but to the mode of making it, whether by ryotwar or zemindarry?—I consider that the ryotwar settlement cannot be effected in some parts of India: I have tried that myself, and failed.

868. Does the zemindar obtain from the cultivator any proportion of the produce of his land, in addition to that which is assigned to the government?—I have no means of forming a correct judgment on that point, for that is connected with the internal management of the village, which the zemindars or landholders studiously keep secret.

869. Have you any reason to believe that he does, in point of fact, in order to enable him to fulfil his contract with the government, extract from the cultivators a larger portion than that assigned to the government?—Yes, I think he does sometimes: but I do not know that it is to enable him to fulfil his contract with the government: it may be to indulge his own rapacity.

870. When you say that the permanent settlement ought to be persevered in only inasmuch as it has been promised, what are the chief defects, in your opinion, connected with it?—I think it would occasion a sacrifice of revenue. I think that the proprietary rights have not been sufficiently ascertained; and I think we, generally speaking, are not sufficiently prepared to carry into effect an arrangement of such importance; our knowledge of the actual state of the country is imperfect.

871. Would not the ascertainment of the proprietary rights be equally necessary, in the event of a settlement by long leases?—I think that would be necessary; but I do not think it would be quite so necessary, because, in the one instance, when a permanent settlement is made, less attention seems to be paid to the country; in the other, that is, during the operation of temporary leases, the collectors are more vigilant, more active, and necessarily, at times, more careful to ascertain the state of the country.

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872. You mean to refer to the improvement in the revenue of the country, and not the improvement of the land?—I allude to both.

873. Is it an expensive process by which the conjectural estimate is formed?—No, it was not.

874. By what conjectures is the result arrived at?—The tehsildars, or native collectors, are directed by the Collector, some time previously to the formation of a settlement, to prepare an estimate of the resources of their respective jurisdictions.

875. By what rules are they guided in forming that estimate?—They are left in a great degree to their own discretion; but still rules are occasionally prescribed by the Collectors: such as calling the village accountants before them; taking the accounts for three or four years, to correct the inaccuracies of those accounts; cursory surveys of the villages or estates, sometimes the actual measurement of them: but such is the immense labour and duty imposed in forming the assessment of so extensive a country, that the estimate is still very imperfect, no doubt.

876. If the estimate were framed on an accurate survey of the capability of the land to produce the different articles suited to it, that would occasion a very great expence?—A very great expence.

877. Is not such a survey going on?—I have heard that it is in some parts.

878. You were understood to say that there were some articles of European manufacture which you knew the people had an opportunity of purchasing, of which they did not avail themselves; to what articles did you chiefly allude?—I did not allude to any in particular. The habits of the natives induce them to use their own articles. If European articles should be cheaper than their own, I have no doubt they would gladly purchase them. But they want little; they are generally Hindoos, particularly frugal in their habits, and are wedded to custom in a great degree, which they do not like departing from. If, however, the European articles should be cheaper in the market than their own manufactures, I dare say they would purchase eventually.

879. You say that they do wear imitation shawls?—Yes, I think they do; that is, some do.

880. In what particular do you think the situation of the people is improved?—I think that the security of property and person being established, an improvement has taken place; the people have confidence in the Government, and I think, generally, they approve of the British character.

881. Do you think that their habits remain as simple and their

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wants as few as they formerly were?—I have had no opportunity of forming a correct judgment; but I should think, from the circumstance of their appearing to use imitation shawls in some instances, and about Calcutta, from the natives occasionally purchasing and using carriages after the European fashion, there seems to be a gradual approximation to the European fashions. But this is more observable in Calcutta, I think, and in the neighbourhood, than in the interior, where they remain much as they did; there may be a little change.

882. Notwithstanding their dislike to change, a few, in fact, purchase European articles of manufacture, when they have the opportunity and the means?—Not always. I think that in Calcutta they seem to like European articles more than they do in the interior; that may arise from their being more associated with the Europeans, and their seeing the articles continually. They certainly purchase carriages; and their houses are better constructed than in the interior.

883. When you said that you thought the situation of the natives was improved, did you mean that as applying equally to those who are residing in the country as those living in the towns? —Yes, I think the whole, or nearly the whole country, as far as I can judge from what I have seen and heard, is improved, in comparison to what it was under the native government.

884. Is there any demand for articles of European manufacture in the country districts, where there are no larger towns? —I have no knowledge myself on the subject; I should think there was a demand to a limited extent.

885. Do you happen to know whether the demand has gone on gradually increasing since the renewal of the last charter?—I have seen accounts exhibiting that the demand has increased greatly. I have no positive knowledge of my own, because I was not for any length of time in the customs department of the service, or in the commercial branch of it; but I understand it has increased from the printed reports I have seen, and that it has continued to increase from the year 1814.

886. Do you conceive that the means which the natives possess of purchasing have gone on increasing?—As the lower provinces are generally considered to be lightly assessed, and in many parts very much under-assessed, I should conceive the means of the natives of Bengal must progressively increase.

887. Have you ever resided in any part of India where the cotton manufacture is established?—I do not recollect any.

888. You are not aware of the effect which has been produced on the cotton manufacture of India by the introduction of European cloths?—I have no positive knowledge of my own. I have heard that some of them have been thrown out of work, but that

is merely in the course of conversation; my knowledge is confined to the land revenue of India.

889. Can you state what is the use which the natives generally make of the savings which you suppose them capable of putting by?—In Calcutta I believe they subscribe to the government loans, many of them; some, I believe, bury their money, or keep it out of circulation; others, again, purchase villages or land: they vest their property in various ways; but some of them bury their money, at least so I think.

890. In the district with which you are acquainted, what was the state of the police in the upper provinces?—As far as I could judge, I should say the police was in a good state.

891. Was there any offence that particularly prevailed in those provinces?—I have no means of forming a correct judgment; my department was quite distinct.

892. Had you any gang robbers there?—I believe there were; but the police, during the latter part of the time, was thought to be in a good state.

893. Are you acquainted with the parts of India in which indigo is grown?—I believe indigo is grown in almost all the districts I have had charge of in the upper provinces, more or less.

894. Has not the cultivation of indigo tended very much to improve the situation of the people with respect to the increased consumption of articles of domestic use?—I do not know.

895. Is not there a greater demand for such articles, and is not there, in fact, a considerable increase of artificial wants in those parts of the country where that cultivation is carried on?—I cannot state positively that there is. The indigo cultivation may have been useful in this respect, that it required a certain capital; it set a certain capital afloat. I think in many instances there have been various disputes consequent on the cultivation; but so far it may have done good, by increasing the capital of the country.

896. Do not you think it has been favourable to habits of industry among the people?—No; I do not think it has had any effect in that way. If the fields should not be cultivated with indigo, they would be cultivated with something else; and a certain degree of labour is necessary to keep up the cultivation.

897. Can you speak as to what arrangement has taken place in the old provinces, where the perpetual settlements have been established, in cases where the zemindar failed and the estate was brought into the market?—It was sold at public auction, which I considered a very objectionable process.

898. Some years ago instructions were sent out, were they not, by the East-India Company, in consequence of the failure

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of so large a proportion of the original zemindars, that in those cases a ryotwar settlement should be attempted instead of resettling the estate on a permanent footing?—I do not exactly know what instructions were sent out; but of late years there has been a disposition on the part of government to avoid sales of land in the upper provinces; but in the lower provinces the system continues as before; that is to say, lands are sold, and occasionally invitations for farming the lands of defaulters are held out. Sales are not so common as they used to be, certainly.

899. You are not aware in what number of cases of that kind a ryotwar settlement has been attempted?—No.

900. While you were in charge of that district in the upper provinces, did you bring many of those estates to sale?—Very few.

901. Why did you say that the selling by auction was a bad practice?—Because I think it had the effect of driving people to desperation. Though the process of sale may be just in principle, its practical effect is bad; for instance, the proceeds of sale may not equal the balance; and various other objections might be stated.

902. Do you mean to say that they do not get a full price by this mode of sale?—I think it is forcing the sale; it ought to be left to the land-owner himself: he would effect a better sale, and not be so dissatisfied.

903. Is it never done by the connivance of the zemindar?—Various frauds are practised in the process of sale; collusive transfers take place; and frauds have been practised both in the sale and purchase.

904. In a case where a sale is disputed between different parties, is not that mode of sale preferred to any other?—I do not know whether it is or not.

905. In the upper provinces in which you have chiefly resided, have you observed any progressive improvement in the state of agriculture?—I cannot state that I have myself observed it; but from the concurrent testimony of the natives generally, it is clear that the cultivation has extended very considerably in many parts of the upper provinces.

906. Has it been not only extended, but improved in process?—I do not think there has been much alteration in the process.

907. Is there more capital laid out in agricultural produce than when you were first employed in those provinces?—I do not know that there is more laid out: but I should conceive, as the cultivation has been extended, and as the people must have the means of extending it, therefore more capital must have been laid out.

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908. Are the Committee to understand that the imitation shawls you have mentioned are the only articles of British manufacture you have known to be in request or purchased by the natives of the interior?—No; I dare say there may be various other articles of British manufacture in request, such as woollens or cloths and various other articles; but I think I have observed, during late years, that some few natives when dressed had a shawl on in winter, which appeared to me to be an imitation shawl. I do not mean to infer that other descriptions of shawls, such as cashmere, are not in use.

909. You have seen other articles of British manufacture?—Yes.

910. Do articles of British hardware find their way into the interior of India?—I have no means of judging of that.

911. In cases where property comes for sale under a zemindary settlement, has the government the power to make a variation in its demand, or does the demand continue the same as under the former settlement?—The demands continue the same as under the former settlement, unless there should be no bidder; then the government sometimes buy in the lands, and order a re-settlement to be formed.

912. Do the government fix any price at which the property should be sold, or do they only do this where there is no bidder?—They do not fix the price, at least so far as I can recollect.

913. Is there any discretion left with the officer of government to buy in the land, or must it be sold?—I do not recollect whether any discretion is distinctly given by the government; but of late years the Collectors have frequently exercised a discretion, and unless the property sells at tolerable prices, they postpone the sale, or they buy it in for the government.

914. Has not the cultivation of indigo been much improved of late years?—I have no means of forming a judgment.

915. That is quite unrestricted, is it not?—Yes, I believe it is.

The witness is directed to withdraw.

COURTENEY SMITH, Esq. is called in, and examined as follows:—

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916. You have resided in India?—I have.

917. What situation did you hold latterly?—I was Judge of the Sudder adawlut.

918. For how many years?—I think for eight years; from 1819 to the end of 1827.

919. What are the duties of the court of Sudder adawlut?—To decide causes.

920. Has it no other duties?—It hears reports read from the

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interior, and it corresponds upon them with the government through its Register.

921. The court of Sudder adawlut reviews the conduct of all the inferior Judges and courts, does it not?—The conduct of all the inferior courts, Judges, and Magistrates, is liable to review by the Sudder court.

922. Are reports made of inferior courts and of the number of causes, or of any circumstances connected with the police of the country, regularly sent to the court of Sudder adawlut?—Always; periodically.

923. Does the Sudder adawlut make a report on those returns to the government?—Always, through the Register of the Sudder adawlut.

924. From what officer of the government does the officer of the Sudder adawlut receive the opinions of the government on any of those points?—From the Judicial Secretary.

925. Are those gentlemen who are appointed Judges of the court of Sudder adawlut always educated in the judicial line?—Not necessarily from the very commencement of their service. Sometimes they go into the revenue, or other line.

926. For how long a period have they generally been in the revenue line before they are placed in the judicial line?—It varies so much, it is impossible to give a general answer; any one may be appointed whom the government chooses to select.

927. Whether he has a knowledge of law or not?—It rests with the government to decide on his qualifications.

928. Usually they have passed some of their time in the judicial line?—I do not recollect a man coming quite raw into the Sudder; that is, without having ever been in the judicial line.

929. Is there any advantage to a judge in having been for a considerable period in the revenue line?—I should think there was; because a great number of cases are greatly connected with the revenue, and therefore the practical experience he has had in the revenue must assist him in deciding those causes.

930. Do you think that any practical advantage would be derived from uniting the revenue and judicial authority?—No; quite the contrary.

931. It is, however, to a certain extent united, is it not?—I am told very much, since I left the country, under Lord William Bentinck.

932. Are you aware that any inconveniences have arisen from the union of the two authorities in the Madras territory?—I know nothing of these matters in the Madras territory.

933. Have the goodness to assign your reasons for thinking that the union of the two authorities has been or would be pro-

ductive of inconvenience in Bengal?—I should think that a Judge, in cases between government and individuals, might have too strong a revenue feeling if he was at the same time a revenue officer; and I believe, upon that principle, it was a fundamental part of Lord Cornwallis's system to keep them separate.

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934. Are the Regulations of government submitted to the court of Sudder adawlut for their approval, before they are passed?—It rests entirely with the government.

935. Is that generally done?—I think it is generally, on judicial matters. The government first corresponded with the Sudder, for the sake of getting their opinions.

936. Does the Sudder ever suggest any alteration of the laws to the government?—Frequently; indeed every judicial and revenue officer is at liberty to suggest alterations, and those suggestions are sure to reach the government through the proper channels.

937. Do they ever suggest alterations?—Yes, frequently.

938. Are there any published commentaries on the Regulations?—I do not recollect any particular book or pamphlet I could refer to; they are open to observation, of course, every where.

939. In the Sudder, who examines the witnesses?—The Registrar.

940. He being an European?—Yes, and a Company's servant; but the court is of course at liberty to call any witness before it that it pleases. The general practice is that the Registrar examines.

941. Are they ever examined by the native officers who attend the court, either in the Registrar's presence or not?—Never, that I recollect; in the Sudder they are always examined by the Registrar. The native officer writes down the deposition, but he has nothing to do with putting the questions.

942. Does the Registrar obtain that perfect knowledge of the language which enables him to understand the entire answers given?—As far as I recollect of Registrars, they were all equal to their duty. In this respect Mr. William MacNaughten, the present Registrar, is particularly so.

943. Is the character of witnesses such as to enable you to attach great credit to their evidence; do you believe them on their oath?—To be sure I do. Having frequently decided cases according to their evidence, of course I believed it.

944. Are their characters such in general as to enable you, without apprehension of being wrong, to decide upon the evidence that is given before you; or do you look with suspicion

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to the evidence of the witnesses?—Yes, I think we do; but we are obliged to come to a decision.

945. Are you of opinion that it would be possible, and consistent with the ends of justice, to introduce trial by native jury into the courts of India?—I have never formed an opinion upon the subject; indeed I never thought about it; it was not my province to speculate on those matters. I merely discharged the duty that came before me.

946. Do you think the union of the natives with the Europeans on juries in Calcutta will be productive of advantage?—That is beyond my province. I have no opinion upon the subject.

947. As far as you are enabled to form an opinion of the character of the natives, and their competency, do you think they are competent to higher situations than they have hitherto occupied?—I think they are clever, shrewd men; but their character is open to suspicion: they are intriguing generally, and supposed to be corrupt.

948. Is much business done by the Sudder aumeen, or chief native judge?—He has causes referred to him by the Judge.

949. Have complaints been made of their decisions, or are they generally considered good?—I think they are generally pretty good.

950. To what extent do the Sudder aumeens decide native causes; to what value?—I do not distinctly recollect. I think 500 rupees; but I understand it has been increased since that to 1,000.

951. To what extent does a munsiff decide causes?—The munsiff, I think, has various capacities.

952. State what they are?—It is laid down in the Regulations. They give him three capacities; one as aumeen, or referee; another salis, or arbitrator; the third, that of munsiff. In the capacity of munsiff he receives suits originally; and there, I think, he is limited to fifty rupees.

953. Is much business done before him?—Oh yes, he has plenty of employment; but as I have not been in the interior for these eight years, I speak from a vague recollection.

954. Do you think that any practical benefit is derived from the power of appeal to the King in Council in this country?—None at all; quite the contrary, I think. There is an immense time in deciding; in fact we never hardly got a decision. It depreciates property, and throws every thing into doubt. It was understood, indeed, that this appeal was merely for the purpose of asserting the King's supremacy, and that it was never looked to as likely to be practically productive of any effects that were beneficial beyond that.

955. Upon the whole, are you of opinion that the provincial

courts administer substantial justice to the people?—Yes; where there are good judges. It depends a good deal upon the officers. Upon the whole, I think they do themselves great credit.

956. In what manner is the police of the interior organized? —It is under the police darogahs.

957. By whom are the policemen appointed?—By the Magistrate.

958. And removeable by him?—I rather think they are not so removeable, but that he must report their conduct to the court of circuit. That, perhaps, has all been altered under Lord William Bentinck; but it was so to the end of 1827.

959. Can they arrest any person without special authority given them by a Magistrate?—Yes, on the charge of an individual; or even on a strong suspicion, in the greater crimes.

960. Have you understood that oppression has been committed by them in the execution of their duties?—They are thought exceedingly corrupt; I believe incurably corrupt, with their present allowances.

961. Have you ever considered in what manner the constitution of the police body might be altered, so as to make them efficient instruments of justice?—No, I never speculated upon the subject; but an increase of salary, I think, would improve them.

962. What is the state of the police at Calcutta?—That is not within my province as a Judge of the Sudder.

963. Are you acquainted with it?—Very imperfectly. I may have heard it as a topic of conversation, but I never turned my attention to it; I never had any thing to do with it.

964. Are you aware whether it is a good police for the prevention of crime?—I understood that offenders were apprehended pretty quickly. Not good for the prevention of crime, but for the apprehension of criminals rather.

965. In what position do you understand the half-castes to stand under the strict letter of the law?—Upon the same footing as natives; there is an express Regulation to that effect; and in the interior they are treated as natives in all courts of civil and criminal justice.

966. To what extent are Europeans living in the country subject to the provincial courts?—By the last Act of Parliament, I think, a Magistrate may fine an European for violence to a native to the extent of £50 or £500 rupees. It is exactly according to the last Act of Parliament which was passed on the last renewal of the Charter. Under the provisons of the same Act they are liable to be sued in the civil courts of the interior also.

967. If an European in the upper provinces, a thousand

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miles from Calcutta, inflicted any injury on a native, of so great a magnitude as not to be cognizable by a provincial court, in what manner would the native obtain justice?—By going to a Magistrate.

968. Supposing that were not decidable by a Magistrate, what would be done?—The Magistrate would take the evidence, and report it to the government in Calcutta. He is bound by Regulation to hear such complaints.

969. What would be the proceeding on that report?—The government would judge whether it was fit to bring the case before a grand jury.

970. Have such prosecutions taken place?—Frequently, I believe.

971. Has it not been more usual to proceed by a commission of inquiry?—Not in such cases.

972. In cases of corruption, for instance?—I do not at this moment recollect any case of a man being brought before the supreme court for corruption. The usual course in such cases is a commission of inquiry; but government, the charge being proved, might of course prosecute.

973. Whether that individual be brought before the supreme court or not, must it depend on the will of the government, and not on the will of the native?—Any native, I suppose, may go before the grand jury.

974. Has he the means of bringing the individual up to Calcutta?—If the grand jury find a bill against him, he will be soon brought up. The complainant has his choice; if he mistrusts the Magistrate, and chooses to go to Calcutta, he has the ordinary redress of persons proceeding in that court against persons who have injured them.

975. If he goes to a Magistrate, and not to Calcutta, the Magistrate reports upon the case, and that report is sent to Calcutta, and then it depends upon the government whether any thing shall be done or not?—Such cases occur very seldom; but, upon recollection, I believe a Magistrate, in the greater crimes, has power to take the evidence and himself commit the individual. That part of the system, however, is entirely out of the jurisdiction of the court of Sudder. I had nothing to do with what a man did, as a Magistrate, in the case of a European; that rested between the government, the individual, and the supreme court.

976. If a prosecution took place, at whose expense would it take place?—I should think if it went through the government, and they thought it a proper case for prosecution, that would be at the expense of Government.

977. Has the native the means of prosecution?—He goes to the grand jury, if he likes it; and then he takes every thing

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upon himself of course, if he does not require or does not choose to seek the aid of government.

978. What is done if he has no pecuniary means?—Then he cannot do any thing, I suppose.

979. Can he sue *in formâ pauperis*?—I cannot say; indeed I rather think that does not apply to criminal prosecutions.

980. Can you state to what extent the statute law of England applies to India; what portion of it applies to India?—I understood that all Acts of Parliament that existed up to the time of creating the supreme court extended to India, and after that it requires to be specified in the Act.

981. The laws lately passed for the purpose of altering the criminal law of this country do not apply to India, do they?—I do not know, I do not recollect. I had nothing to do with that.

982. The Mohamedan criminal law has, to a great extent, been altered by the Regulations, has it not?—Yes; it has been modified. Mutilation has been put an end to, and some rules of evidence have been modified; the rule about female evidence has been modified. The Mohamedan law of evidence requires two women for one man; but according to our practice, a woman is thought as good as a man for a witness.

983. You cannot state whether the modifications have been the same at the three Presidencies?—I have no knowledge of the other Presidencies.

984. Has the native Mohamedan or Hindoo a power of bequeathing his property as he pleases, or at his death must it necessarily be divided?—I am not deep in Mohamedan or Hindoo law. When the questions came before me as a Sudder Judge I got the assistance of the law officer for the particular case; I never studied those codes systematically.

985. The duty of the Sudder Judge is to understand the Regulation law?—To that much he is bound by his oath; he must be guided by the Regulations.

986. The Hindoo and the Mohamedan law he takes from the native officers?—Some men, who have the curiosity or a turn for that study, pursue it systematically; but if a Judge has not done that, he must refer to the law officer, making use of such checks as English books upon the subject may give him on the exigency of the moment.

987. You do not know whether property is, on the death of a Mohamedan or Hindoo, necessarily divided?—By the Mohamedan law, to the best of my recollection, it is; except that portion of it which he has a right to dispose of by will, in cases where he has exercised that right.

988. Is it by the Hindoo law?—Yes, I think it is by the Hindoo law also.

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989. Is that a matter of necessity, or is it at the will of the testator?—With the Hindoo I take it to be necessary; but a Mohamedan may bequeath to a certain extent; one-third, I think. I speak, however, from a very vague recollection. That portion he may bequeath away as he likes; but the remaining two-thirds are to be divided, according to the law, amongst his heirs.

990. Did the country appear to increase in prosperity whilst you were there?—In what sort of prosperity?

991. Wealth.—I have no particular knowledge of the wealth of the country. I did not observe the natives become richer or poorer. It appeared to me they were much the same as they were in the year 1792 when I first went there.

992. Is the court of Sudder adawlut a court of appeal from the inferior courts?—Yes; it is the chief court of appeal.

993. Are those appeals very frequent?—Sometimes more, sometimes less; certainly they are frequent upon the whole.

994. Upon the whole, should you say that they have become more frequent of late years?—It depends a great deal on the court being popular or not. Sometimes natives appeal to it from the desire to get their cases there; sometimes they are apprehensive they shall not get any thing by their appeal.

995. Do the natives in general appear to have an increasing confidence in the decisions of the court, which induces them to appeal to it?—That depends upon the popularity of the court; for popularity is an uncertain sort of thing; the court that was once popular is not always popular. The tide of business ebbs and flows accordingly.

996. The natives are very observant of the state of the Sudder adawlut, and govern their conduct accordingly?—I should apprehend that every man, in deciding whether he would appeal or not, would advert to the character of the court and judges before whom his appeal is to be brought.

997. What is the sort of expence attending an appeal to the Sudder adawlut?—I do not recollect; there is the price of the stamp paper, more or less, according to the amount of the suit; then there is the expence of vackeels; that is, the fee of the native advocates.

998. Do you conceive it is the amount of expence which deters many natives from appealing, from poverty?—I should think it did in many cases; but paupers are admitted to appeal.

999. Is it still much cheaper than the supreme court?—I have understood that the supreme court is much more expensive than the native courts.

1000. Do you remember the number of appeals in any one year to the Sudder adawlut?—No.

1001. Can you remember the number of arrears?—Three or four hundredwas, I believe, the number when I came home. 5 Mar. 1830:

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1002. Is the number increasing?—I have heard that they have increased.

1003. Are any native officers employed in the court?—All the writers in the court are native officers; all the penmen in the native languages, and all the advocates, are natives; they are all natives, except a few half-castes, perhaps, who copy English.

1004. Do the natives discharge the duties that attach to them with accuracy and ability?—I think they are, certainly, accurate and able.

1005. As much as Europeans would be under similar circumstances?—Quite so, I think; but I stop short at accuracy and ability.

1006. You mean that you exclude integrity?—I think that a very supicious point.

1007. Do you conceive that deficiency of integrity to arise from something fundamental in the native character, or from the low emoluments attached to their situations?—Government thought, in Lord Cornwallis's time, that even European integrity might be increased and secured by increase of salary. I suppose it is pretty much the same with regard to the natives.

1008. Does it occur to you that any material improvement might be effected in the constitution of the court of Sudder adawlut?—No, provided it is still what it was when I left it.

1009. What time would it take to get through an arrear of three or four hundred causes?—That must depend a great deal on the nature of the suits in appeal. I should think, on an average, if they are well weighed and well decided, it would take very little short of two years.

1010. The court is two years in arrear, in short?—I should think about that.

1011. In the course of your practice have you found that the Hindoos are, when properly sworn, under the due influence of an oath?—I think that an oath has an influence upon them, but that influence may be overpowered by other influences. I do not think they totally disregard an oath.

1012. Is there great care necessary to be taken in administering the oath according to the form of the respective castes of the natives?—It always has been administered, as far as I recollect, according to the established forms.

1013. Is not great care necessary in the administration to prevent their evading the oath?—I do not suspect them very

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much of evading an oath, because there has been something informal in the way of administering it.

1014. In a case of half-caste evidence, have you found there is any difference in the confidence to be placed in half-caste evidence, and the confidence to be placed in native or European evidence?—I have been very much in the habit of considering half-castes as natives; the only legal system in the interior is that.

1015. Have you practically any reason to receive the evidence of half-castes with more jealousy than the evidence of an European?—I should think it very near the native; but this is a nice point to decide upon.

1016. You do not think that a native will try to evade telling the truth before a court of justice, in consequence of any informality in applying the oath of his caste?—No, I should think not. He would think himself bound by his oath, even when so administered; and it would depend upon the stimulus applied to overpower that feeling; for example, whether he was bribed, or had any strong prejudice or an interest in the case. I think the oath would have some weight with him under all circumstances.

1017. You have stated that the appeals to the Privy Council were considered merely for the purpose of asserting the supremacy of the King?—We always understood so.

1018. In point of fact, are you aware whether the appellants on those occasions are in the habit of putting themselves to expence, by appointing agents in this country for prosecuting those appeals?—I have heard that they have in some cases. I believe their cases fail if they have not an agent; they fail for non-attendance.

1019. Those appeals cannot proceed unless they appoint agents?—No.

1020. Is not that the reason, probably, why nothing has been done in those cases?—That depends on what is the practice here. We saw in Calcutta there was an enormous delay, and we represented it to Government, and the Government, I understood, represented it home; but I never heard that their decisions were, in consequence, made more speedily; I believe they are as dilatory as ever.

1021. Could they proceed without agents having been appointed to prosecute them?—The Privy Council know that; I do not know. I have heard of cases being thrown out because there was no party or agent attending. We have got intelligence once or twice of their being struck out for non-appearance; but any decision on the merits I do not recollect.

1022. By the Act of Parliament, parties not personally sub-

ject to the supreme court may agree in writing to submit civil suits to the authority of that court; are you aware whether that has been done at all?—I believe it has been very rarely done.

1023. Do you know an instance of its having been done?—Yes, I have heard of instances: but in the interior they have a great aversion to the supreme court.

1024. What is the nature of the oath which is administered to the Hindoos?—It is very much like ours.

1025. By whom do they swear?—Eshur is put for God; it is a very similar oath.

1026. Is it of the same kind as the oath made by the Mohamedans? - It is laid down in the Regulations; it is the same oath always; but for the Hindoo one oath, and the Mohamedan another; it is never deviated from; it is the oath appointed by the Regulations, and transcribed into the code.

1027. Do you think that the sanction of an oath is more respected by a Hindoo than a Mohamedan?—No.

1028. You mentioned that you had never known of any person appointed to the situation of Judge who was absolutely raw?—I meant raw in the sense of never having been in the judicial line.

1029. Have you known persons appointed to those situations in the Sudder who have been extremely deficient in competent knowledge?—I do not recollect having any colleague of that description that goes back for eight years; but I cannot carry back my recollection to all the Sudder Judges from the time of my entering the service. I should think there was no one who would answer to that description; it appears to me inconceivable. But there may be a question as to what is a competent knowledge, whether it means knowledge of the Regulations, or of the Hindoo and Mohamedan law, or what is the quantum of knowledge that would be allowed to be competent.

1030. Have you witnessed great disadvantages in a member of the Sudder, arising in any case from a want of what appeared to you an adequate knowledge?—I really cannot say, nor have I any idea that any of my colleagues have been utterly incompetent. I do not recollect a man being taken directly from the trade line; any commercial resident being appointed to the Sudder. A man so appointed I should call raw.

1031. What is the shortest period during which any person you recollect having been appointed to the situation of Judge in the Sudder adawlut had been previously in the judicial line?—That I cannot answer. I do not recollect what was the shortest time; I think they were always judicial servants.

1032. What standing must a man have before he is appointed Judge to the Sudder adawlut?—There is no objection if he can

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1033. Is there not a system of appeal established in India from the lowest court to the highest?—Yes; I think any case may come, on special grounds, to the Sudder.

1034. Is not that sufficient to lead to a great deal of litigation which is injurious?—Yes, I think it has been carried too far; the natives keep up a cause as long as they can.

1035. Do you think any inconvenience would arise if the power of appeal were more limited?—I think that that was a good rule, that the Sudder might admit an appeal whenever they thought the substantial justice of the case required it; but that rule, I have heard, has been done away with. I think that was a good rule, as it respects the justice of the case, but it has increased the number of causes and delayed the business. While the appeal was admissible on the ground of substantial justice not having been done in the lower court, it had an effect in keeping the lower court in order. A Judge would be more careful in his decisions when he saw that there was an appeal given to the Sudder, than where he was the final decider.

1036. You do not think it would produce a great advantage to make the decisions of the courts final, within certain sums, in all cases?—It would be productive of convenience, as far as it saved trouble, expense, and delay; but I should think the justice of the decisions would be better secured by keeping the appeal open.

1037. Do you think the saving of delay of no consequence in the administration of justice?—Substantial justice might be better done where an appeal was open to the Sudder, from an idea prevailing in the lower courts of its being so open, because, that involving a revision of every thing done, I think that a Judge would be more careful in his decisions. It would operate as a check. The saving of delay, however, is undoubtedly a matter of moment.

1038. Does not a great proportion of the business in the courts arise from appeals from court to court?—In the upper courts, of course, it must arise almost entirely from the appeals.

1039. In the provincial courts there is a power of receiving appeals from the court below?—Yes; they are courts of appeal: to hear appeals is the original purpose of their institution.

1040. Does not a great part of the business of those courts which have the power of receiving appeals arise from that source?—They are appointed as courts of appeal; that is a very material part of their duty.

1041. No oath is valid that is administered to a Hindoo except by a Brahmin?—It is always administered by a Brahmin.

1042. And on the water of the Ganges?—A written declaration is sometimes made instead of that. Where a native makes objections to taking the Ganges water into his hand, if he is a respectable native or of a caste that requires it, the courts indulge him with signing a declaration that he will speak the truth.

1043. Is not the code of law administered in the Sudder courts rather intricate and complicated?—We have no code at all hardly in our Regulations, except as to the forms of proceeding; there are no particular laws laid down. The forms, so far from being intricate, are exceedingly simple.

1044. There are the Hindoo and Mohamedan laws, and regulations?—Yes; the Regulations relate to the mode of conducting the case, principally; how we shall receive the plaint; how we shall take the answer, and so on.

1045. Do not you think that the system which now prevails is susceptible of consolidation by the union of the two codes, the Mohamedan and the Hindoo?—I do not see how they are to be united, unless the Hindoos become Mohamedans. The Mohamedans cannot become Hindoos.

1046. Are you aware of the consolidation of a more intricate system having taken place in the Island of Ceylon?—No; I am totally ignorant on that subject.

1047. Do you not think that it would be an advantage that the education of a Judge in the Zillah court should be exclusively professional?—No, I do not see how it would be an advantage that it should be exclusively professional; his knowledge of revenue, for example, is of great use. It was always the case in Lord Cornwallis's time, that he passed through the revenue to the higher offices in the judicial line; he became a Collector after having been a Register; then he went on to being Judge; and it was thought his knowledge of revenue was of great importance to his being an efficient Judge.

1048. The provisions of the Mohamedan law, as to the method of ascertaining the credibility of witnesses, have been a good deal altered by the Regulations, have they not?—I do not recollect any thing upon that subject.

1049. You have stated that the half-castes were considered as natives; are they made subject to the Mohamedan or to the Hindoo law?—In the criminal courts to the Mohamedan law. The law of the criminal courts in the interior is the Mohamedan law. The Mohamedan law officer always gives his futwah, and the sentence passes upon that. In the civil courts there is a rule that the defendant's law shall be followed. It would depend, therefore, on the situation in which the half-caste stood.

1050. Do you class them according to the religion of their mothers?—No; that is never adverted to that I know of. I

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never heard them asked whether their mother was a Hindoo or a Mohamedan.

1051. Is there any distinction between the half-castes residing within the district of the supreme court of Calcutta and those in the interior ?—They are all subject to the jurisdiction of the supreme court in Calcutta, being in that respect on a par with Europeans.

1052. What is the civil law administered in the provinces ?—The civil law is Mohamedan and Hindoo.

1053. According to the religion of the individual ?—Yes ; if the parties are both of the same persuasion.

1054. If one is a Hindoo and the other a Mohamedan, what is the rule then ?—I think that the defendant's law is followed.

1055. Supposing the defendant to be a half-caste, by what law is that cause decided ?—That depends on the nature of the case. There cannot be any question of inheritance between them.

1056. In any civil suit not connected with inheritance, what is the rule ?—I really do not recollect a precedent for that.

1057. Would not a half-caste, if his mother was a Mohamedan, be considered a Mohamedan ; and if his mother was a Hindoo, be considered a Hindoo ?—No ; that idea is perfectly novel to me ; I do not recollect such a point.

1058. What would be done in that case ?—The case is, as far as I recollect, unprecedented.

1059. Do you mean that the case has never occurred ?—It might be a point decidable under the General Regulations, or under the Revenue Regulations, or on a written contract ; in which cases the difference of persuasions would hardly be adverted to.

The witness is directed to withdraw.

WILLIAM MALCOLM FLEMING, Esq. is called in, and examined as follows:—

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1060. HAVE you resided in India ?—I have.

1061. In what capacity ?—In the judicial department.

1062. What situation did you last hold ?—I held the situation of second Judge of the Court of Circuit for the division of Patna.

1063. Were you not directed to make some inquiries respecting the manufacture of opium ?—Yes, I was.

1064. Have the goodness to state the object and nature of those inquiries ?—The object was to ascertain the cause of the opium of a particular season, I think 1824–5, having sold so badly in the China market, in fact, a great proportion of it being

almost unsaleable; and, in consequence, those who had purchased at the Company's sales made an application to Government for a remuneration for losses sustained in consequence of the badness of the article. 5 Mar. 1830. — W. M. Fleming, Esq.

1065. Was it only in that year that the opium appeared to be much deteriorated?—I am not aware that it was considered bad in any other year.

1066. Did you ascertain the cause of the deterioration?—Yes; I stated my opinion of the cause of the deterioration, and how it had happened.

1067. Have the goodness to mention it?—It appeared to me that it was chiefly caused by a quantity of leaves being mixed with the drug at the time it was forming into balls. It is sent to the China market in a particular form, made up with a crust of leaves round it, and the people who were employed in making it up added a considerable quantity of leaves to it.

1068. Was that merely the result of carelessness?—I am afraid of fraud on the part of the natives who were employed in the preparation of it.

1069. Was there neglect on the part of the opium agent?—I cannot positively say; but I think he was not sufficiently attentive in checking the frauds of the natives.

1070. The sum paid back by the Company was large, was it not?—It was.

1071. Do you recollect how much?—Twelve or thirteen lacs of rupees.

1072. Is there any natural inferiority in the Bahar and Benares opium to that of Malwa?—I think there is.

1073. Can you state the proportion of that inferiority?—I think it is about one-fourth less strong than that of Malwa; that of Bahar contains one-fourth less narcotic principle.

1074. Would it be impossible, by any alteration in the manufacture, to give to it the strength of the opium of Malwa?—I should think that would be almost impossible; I think that the difference is in some degree owing to the nature of the climate.

1075. Are you aware that the treaties formed with the princes of Malwa, respecting the delivery of a certain quantity of opium, and the restriction on its cultivation, are now abandoned?—I am not.

1076. Assuming that they are now abandoned, and that the export of opium from Malwa was free through all countries not under the influence of the British government, what effect do you conceive that will have on the Company's sales of opium?—I should suppose very considerable, but I have no information upon that subject; I am not aware what quantity has been exported. I am not acquainted with the China trade at all.

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1077. Is the difference in the value of Benares and Malwa opium in the China market about one-fourth?—I believe not so much; I only speak with respect to the quality and strength of the drug.

1078. There is a peculiarity of taste in the Chinese with respect to opium, is there not?—There is.

1079. Do they prefer the Malwa?—I have always understood that they preferred the Patna.

1080. They have not any taste for the Turkish opium, have they?—Not until of late years; I have understood that they have had a greater taste for it of late years.

1081. What is the comparative price of the Turkish and Indian opium in China?—I really do not know.

1082. Have you ever resided in any parts of the country in which salt was manufactured?—No, I have not.

1083. Or cotton?—No, never.

1084. Have you ever observed any injurious effect produced on the internal commerce of the country by the transit duties? —No, I am not aware of that; but I am not acquainted with that subject.

1085. Do you apprehend that the natives are enabled, at the present price of salt, to obtain as much as they want?—I am of opinion they would consume more if it were cheaper.

1086. Do you think that the revenue would be increased by increasing the quantity sold and diminishing its price?—I should think it would.

1087. You acted as Judge for some time, did you not?—I did for the greater part of the time I was in India.

1088. Had you the appointment of the police in your district? —I had at one time; not latterly.

1089. Was a different arrangement made with regard to the appointment of them?—I was first Magistrate, and then Judge of Circuit; since I have been Judge of Circuit I had but little to do with the detail of the police.

1090. In your capacity of Magistrate you appointed the police?—I did.

1091. How is the police governed and organized?—Each district is divided into divisions, called Tannahs, which are superintended by a police officer called a Tannahdar, who has a certain number under him, and to whom all the police watchmen report.

1092. What is the average population of a tannah?—They are so different that I cannot say.

1093. The police varies, probably, according to the population of the tannah?—The size of the tannah is very irregular.

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1094. The police would in number be proportioned to the size of the tannah?—Yes.

1095. Are there other officers besides the tannahdar?—The village watchmen; they form the local police.

1096. Each village has so many watchmen?—Yes; who are paid by the inhabitants.

1097. The police is distributed in this manner all over the country?—Yes.

1098. It is not brought together in bodies?—No, except at each tannah, there are a number of constables; from ten to twenty-five, under the tannahdar.

1099. Had you frequent or any complaints made to you of oppression on the part of the policemen?—Yes, I frequently had.

1100. Did they appear to be well founded?—Some of them were.

1101. Were the offenders removed?—They were always punished and removed.

1102. There is no other supervisor of the police except the tannahdar?—No, there is not.

1103. There is no other description of police except the tannahdar and the watchmen?—No, there is not; except the burkondosses, or the constables under him.

1104. What is the pay of a tannahdar?—From twenty-five to thirty rupees a month.

1105. What is the pay of a watchman?—It depends on circumstances; he is paid by the village generally—the village community. It is from two to three rupees a month.

1106. In addition to that pay does he hold lands as watchman?—I include that; every thing is included in the two to three rupees a month.

1107. Does he exercise his trade like other persons?—He seldom does any thing besides watching, except cultivating his land.

1108. He is only called on when required, is he?—He is expected to watch every night.

1109. Were the police under your direction numerous?—Yes, they were.

1110. Can you recollect its amount?—I think in the district where I was for the greatest period, there were nineteen tannahs.

1111. What was the amount of the police?—I think there were from ten to fifteen constables in each tannah under the tannahdar, and a writer, the person who takes depositions, and the head constable.

1112. Could the watchmen arrest without any authority

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given them by the tannahdar?—They could in some cases, but not in all cases.

1113. Only in cases of heinous offences?—Yes; murder, robbery, and such cases.

1114. Did it appear to you that it was an efficient police for the punishment or prevention of crimes?—I thought it was perfectly efficient.

1115. Did crimes appear to diminish in magnitude or in number?—Both.

1116. Are offences of a heinous character common?—They were not common in the part of the country in which I was, in the Patna division; such as gang robbery or decoity were not common.

1117. Could you attach much credit to the evidence given before you by the natives; or did you always regard their evidence with a certain degree of suspicion?—I regarded it rather with suspicion.

1118. In what situations were natives employed under you as Judge?—As tannahdars, police officers, and commissioners for trying petty causes.

1119. By commissioners for trying petty causes, do you mean Sudder aumeens?—No.

1120. Did they administer justice well?—In some instances they did.

1121. Were there any munsiffs under you?—There were munsiffs; all the commissioners for trying causes were also munsiffs.

1122. Did they decide a large proportion of the small cases?—They decided a great number of small cases; but they were not Sudder aumeens; the Sudder aumeens are attached to the court at each head station.

1123. Were the Sudder aumeens officers of your court?—There were several of them officers of my court. The Mohamedan and the Hindoo law officers were Sudder aumeens; and there was sometimes an additional one; sometimes two additional ones.

1124. Causes were tried by them under your direction?—Yes; causes were referred to them for trial; but the munsiffs and commissioners in the different tannahs had an original jurisdiction in receiving and trying cases.

1125. Do the Sudder aumeens have remitted cases?—Yes.

1126. Were there many appeals from the decrees of the munsiffs?—A good number.

1127. Were there from those of the Sudder aumeens?—A great number more from the Sudder aumeens than from the

commissioners or munsiffs; the reason of which I can explain. The munsiffs only try cases of rent and small debts; the Sudder aumeens try cases in which real property is concerned, such as land and houses.

1128. Upon the whole, were you well satisfied with the conduct of the munsiffs and aumeens under you?—No, I cannot say that I was generally well satisfied.

1129. Had you the power of changing them?—Yes I had, when any thing was proved against them.

1130. Did you exercise it frequently?—Yes, in several instances.

1131. What was the salary of the munsiff?—He had no fixed salary; it depended on fees.

1132. Had the Sudder aumeen a salary?—He has now a salary; he had formerly only fees.

1133. Does it occur to you that any great improvement might be introduced into the police establishment?—I know of none, except giving protection to the village watchmen, who are the most useful officers of the police.

1134. Is the village, in any case, rendered answerable for any theft committed within its limits?—Not in the lower provinces.

1135. Is that the case in any part of the country?—It was, but I believe it has been done away; it is not now the case. I understand that when the provinces were first ceded to the Company by the Nawab Vizier (Gorruckpoor and other districts) it was enforced; but it does not now exist.

1136. Is the tannahdar hereditary?—No.

1137. Is there any hereditary officer?—The office of village watchman is generally considered to be hereditary.

1138. Does any other part of the village constitution remain in that part of the country?—Yes; all the usual persons remain in that part of the country, such as the village washerman, the barber, and others.

1139. They are all hereditary?—Yes, they are; at least generally; not always.

1140. That part of the country is under the perpetual settlement, is it not?—It is.

1141. Did the country improve during the time you were acquainted with it?—Very much.

1142. Both in population and in wealth?—Yes.

1143. By what law is property distributed on the death of a Proprietor?—It depends upon whether they are Mussulmans or Hindoos.

1144. What is the Mohamedan law?—By the Mohamedan

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law, as far as I recollect, it is divided among the male and female in certain proportions.

1145. Has a proprietor any power of making a will; can he devise property as he pleases among his children?—A Mohamedan cannot.

1146. Can a Hindoo?—I do not think he can. I cannot speak positively, because the law is different in different parts of the country.

1147. Do females inherit under the Hindoo law?—They do not generally.

1148. The Mohamedan property is divided among all the children, and the Hindoo among the sons, and that without any power of willing away the property?—Yes, it is so; but a Mohamedan can give, during his life, property he has inherited as well as that he has acquired.

1149. Can a Hindoo?—No, he cannot in Behar.

1150. Did you observe any practical inconveniences arising out of that system of dividing property: did it prevent the accumulation of agricultural and other capital?—No, it did not appear to have that effect.

1151. Did it appear to you that there was more agricultural capital in the country when you left it than when you went to it?—Yes, certainly, much more

1152. Was there more applied to the cultivation of land?—Yes.

1153. Was there more applied to manufactures or trade?—I do not think that there was; but there was a great deal more land brought into cultivation.

1154. Did the people appear to you more comfortable than when you first knew it?—Much more so.

1155. Were the zemindars becoming rich?—I do not know that they were becoming rich; they were becoming much more extravagant.

1156. Did their extravagance induce them to obtain European luxuries?—No, I do not think it did.

1157. Had the people more clothing than they had when you first knew them, or more comforts of any description in their houses?—No, I do not think there was any very great difference. I think they dressed better, but in a different way.

1158. What was the change?—The change appeared to be that the Hindoos adopted many of the Mohamedan customs in point of dress.

1159. Did you observe any quantity of European manufactures in that part of the country?—No, not a very great deal.

1160. Any cottons?—Yes; some chintz, which were used as

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dresses of late years; there have been a good many of them used lately.

1161. Was there any native manufacture supplanted by the introduction of British manufactures in that part of the country?—Yes.

1162. What manufacture was that?—That of cotton cloth generally.

1163. Those manufacturers were thrown out of employment?—They were, and became cultivators again.

1164. Did a greater quantity of cloth appear to be consumed than had been before?—I cannot say.

1165. There was no visible alteration or improvement in the habits of the people?—No; I do not think there was.

1166. With respect to the substitution of English cotton manufactures for those of the natives, you stated that a good number were thrown out of employment by that; to what did they have recourse for their maintenance?—I do not know what proportion were thrown out of employment, but I understood that some of the weavers were thrown out of employment, and that they of course became agriculturists.

1167. What used they to gain as weavers?—I cannot state that.

1168. Were they much lowered in condition by being compelled to become cultivators of the soil instead of weavers?—For a short time they were; but not permanently, I should think.

1169. Their gains as weavers must have been very low?—I should think very low.

1170. They had no difficulty in turning themselves to another occupation, ultimately as profitable?—They had always been cultivators; they only cultivated a little more.

1171. You do not know to what extent their occupation as weavers tended to raise their condition?—No; I have no means of knowing that.

1172. What extent of territory was under your jurisdiction as Magistrate?—The district of Tirhoot, in which I was for the longest period when I was a Magistrate, was, I think, about 140 miles long by 100 wide.

1173. Had you any jurisdiction over the Zillah courts?—This was a zillah; I was latterly in the court of appeal and circuit court that extended over the whole division.

1174. How many Zillah courts are comprehended in that?—Six, and latterly seven.

1175. Had you any jurisdiction over the Zillah courts?—Yes.

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1176. Of what nature?—The Judges of Circuit hold the gaol deliveries alternately in the different districts under their jurisdiction, every six months.

1177. What was the constitution of the Zillah courts?—It consisted of a Judge, a Registrar, and native officers.

1178. The Judge and Registrar were the only two Europeans?—Sometimes there was an assistant.

1179. Had the Registrar jurisdiction?—The Registrar had a separate court for all cases that were referred to him; he had no original jurisdiction.

1180. What was the duty of the Assistant?—He was sometimes employed in taking depositions.

1181. Was he ever employed in trying cases?—In trying criminal cases of a certain description.

1182. What standing was a young man necessarily of when he was appointed assistant to a Judge?—As soon as he got out of college.

1183. The first or second year of his getting out he had criminal cases to try?—He had.

1184. What was the salary of the Judge of the Zillah court?—From twenty-four to twenty-eight thousand rupees a year.

1185. He had no perquisites whatever?—No.

1186. None of his expences were paid?—No.

1187. What standing must a man be in the service before he could be appointed Judge of a Zillah court?—Generally from ten to twelve years.

1188. Must he have been during that time in the judicial line?—At one time, lately, that was the case.

1189. What standing was required for a Registrar?—From four to five years.

1190. At what age, usually, did a man become a Registrar?—At the age of one or two and twenty.

1191. He tried civil causes?—Yes.

1192. Did he try criminal causes also?—Yes; he acted as first Assistant to the Magistrate.

1193. Was he assisted by native officers?—Yes, to take down depositions.

1194. Did they not also state the law when it turned on Mohamedan or Hindoo law?—Yes, in civil cases they did; but they had nothing to do with criminal cases. In civil cases the Registrar referred to the Mohamedan or Hindoo law officer, as might be requisite.

1195. Did they, in fact, pronounce the decision in those cases?—No, only on the point of law; they had nothing to do

with the evidence; the evidence was not usually submitted to them. If, however, any particular witness was objected to, as being incompetent to be sworn, their opinion was taken in such cases, but not otherwise.

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1196. After hearing the evidence, they were consulted as to the point of law on which the case turned?—Yes.

1197. And he was governed by the advice he received?—Yes, he was.

1198. Did they refer to punchayets much in the division where you were?—No, they did not; there were a few cases referred to arbitration, but it was of rare occurrence.

1199. Had you in any other part of India an opportunity of observing the administration of justice through the agency of punchayets?—I had not.

1200. You were understood to say, that on the death of a proprietor, according to the Mohamedan law, the property was distributed equally among the sons and daughters?—Not equally, but in certain proportions, according to the law.

1201. According to the Hindoo law, it is among the sons only?—Yes; according to the Hindoo law it is amongst the sons only, and in equal proportions.

1202. In the event of there being neither sons nor daughters, how did the property descend?—It went to the heirs; to the next heirs.

1203. Was not that frequently a cause of dispute and litigation?—No doubt it was.

1204. Is there any thing in the Regulations of the Company on the subject of opium that precludes persons, either Europeans or natives, having capital, from embarking in the cultivation of the poppy?—Provided they sell it to the Company, there is no objection; they cannot cultivate the plant on their own account, as no person can cultivate poppy who does not sell the opium to the Company.

1205. Is it probable that any person possessing capital would embark in such a cultivation, if he was confined in the sale of it to the Company?—I do not think it is.

1206. The only persons who it is probable would undertake the cultivation of that drug must be the poorest class of people, who have no money of their own?—They are not a poor class; they are a particular description of people who cultivate opium; the cultivation is confined to a particular description, called queries.

1207. Is it confined by law, or merely by practice?—Merely by practice.

1208. Is not the Company in the habit of making advances to the cultivators of opium?—It is.

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1209. Why do they make advances if they are not too poor to carry it on without?—It is considered an advantage to them to have advances.

1210. That must be on the supposition that they have no money of their own?—There are, certainly, some of the queries exceedingly wealthy; I do not know a more wealthy class of cultivators than the queries.

1211. Is it the custom of the Company to make advances to those persons?—They do make advances to all persons who cultivate the poppy.

1212. Whether they want them or not?—They always wish to have them.

1213. Is that necessary?—It has always been the custom.

1214. Is it necessary to pay a rich man beforehand for that you have afterwards to buy?—I cannot speak to that, further than the custom.

1215. You spoke to the adulteration of the opium of 1824-5; did that continue in 1827?—No, it did not.

1216. That was pure?—Yes.

1217. There is a certain price given for a certain quality by the purchasers at the Company's sales in Calcutta?—They do not know the quality of it till it arrives in China.

1218. Is not it examined?—There is a small quantity examined in Calcutta; it was adulterated after it went through the hands of the Collectors.

1219. Do you presume it was not adulterated by the cultivator?—I think it was not; because I think it would have been rejected by the opium agent.

1220. Through whose hands did it pass subsequently between the Collector and the China market?—It passed through the hands of the officers of the agent for the provision and manufacture of opium. It was brought into the warehouse and made up in a particular form; and it is in making it up in this particular form of balls, with a shell of leaves, that the adulteration takes place.

1221. At what period of manufacture is it examined by the Collector?—When it is received from the cultivator.

1222. In what state is it at that time?—It is exactly in the state in which it should be afterwards, but rather more liquid.

1223. Subsequently, what happens to it?—It is merely inspissated to a certain consistence, and made up into balls.

1224. By what description of persons is it made up into balls; are they servants of the Company?—No; they are hired for the occassion by the opium agent.

1225. Are the opium agents paid high?—They receive a

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commission upon the sales, that is, upon the profits, after deducting the expences of manufacture.

1226. Did this adulteration take place to the opium of one district only?—I cannot say; it was in the Bahar division, in the Bahar agency.

1227. Is the manufacture of opium an unwholesome employment?—I do not think it is.

1228. Is the opium that is grown in Bengal supplied to the Company by the cultivators at a fixed price?—It is.

1229. Do you know what proportion that bears to the market price?—I cannot tell exactly without a little consideration, but I know the price that is paid to the cultivators.

1230. Is not the price paid to the cultivators very low indeed, as compared with the market price?—It is very low when compared with the market price.

1231. Do you not think that that restriction on the part of the East-India Company holds out a strong inducement to the deterioration of the opium?—No, I do not think it does. I believe the cultivators are perfectly satisfied at present with the price which is paid for it.

1232. Do not you think that that limitation as to the price places the cultivator under a very strong inducement to deteriorate the article?—No, I do not think it does.

1233. What did you understand by the market price; the sale price at Calcutta?—Yes.

1234. Does the same system of police, or nearly the same, extend over all the territories of the Company, or does it differ much in the old provinces and the newly acquired provinces?—I believe it does not differ much; but I cannot positively speak to that, not having been employed in the upper provinces.

1235. Can you mention generally the difference between our present system of police and that which is supposed to have existed in the better times of the Mohamedan government?—No, I cannot.

1236. To what extent have the provisions of the Mohamedan law, as to the ascertaining the credibility of witnesses, been altered by the Regulations?—The Mohamedan law has no reference to the credibility of witnesses. Sometimes an evidence, from some particular cause, is objected to by the law officer in criminal cases, as not being competent; but his evidence is always taken in such cases, and it may be over-ruled by the Judges of the superior court—the Judges of the Sudder nizamut adawlut.

1237. You have spoken as to the age at which gentlemen are brought forward in the minor judicial situations; what means

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have they now of acquiring a knowledge of the Mohamedan law? —Only by perusing books on the subject; they do not particularly study it.

1238. Are there lectures in the college upon it?—I believe not.

1239. Have the goodness to state what is the lowest rate of earnings sufficient to support a labouring man in India?—It is very difficult to state that; but two rupees a month would maintain him, or probably less.

1240. What is the lowest rate of wages paid to servants?—I think about three rupees a month; in some instances, no doubt, it may be lower, bnt I cannot speak positively to that.

1241. Are the earnings of manufacturers larger than two rupees a month?—I really cannot say.

1242. Did slavery exist in any part of the district with which you were acquainted?—Yes, it did exist, certainly, what is called slavery; but it is by no means what is generally understood by by the term slavery.

1243. Have the goodness to explain what slavery is in that part of the country?—In one of the districts where I resided about three years, there were a good number of bondsmen, and who, in fact, had sold themselves for a certain sum to work for their masters for life; but they might redeem, by paying up that sum, whenever they pleased; it was a species of mortgage of their labour.

1244. What duties did their masters undertake towards them? —I believe it was quite nominal. Those bondsmen did exactly as they pleased; they came and cultivated for their masters when they liked it, or it was convenient to themselves; but I do not know any instance in which they were forced to work contrary to their will.

1245. Had the master the power to transfer his right over them to any other person?—I never knew an instance of their being directly sold.

1246. What was the mode of enforcing the services of the bondsmen?—I believe there was no mode of enforcing it, except by withholding the wages.

1247. Were they subjected to any corporeal punishment?—No, not at all; if they had, they would have immediately complained to the courts, and obtained instant redress; but I never knew such a complaint made.

1248. Is it the practice, in any part of the district with which you are acquainted, for parents to sell their children?—I have heard of it, but I cannot speak to the fact.

1249. Would such sales be considered valid in point of law?

—I am not perfectly certain; I believe they would under the Hindoo law, but not, I believe, under the Mohamedan. 5 Mar. 1830.

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1250. Have you seen suttees?—Yes, I have.

1251. Frequently?—No, I cannot say that I have frequently witnessed them, and I never was very near.

1252. Did they take place to any extent in your district?—Not in the district of Tirhoot, where I was for a considerable time. It is not at all common there; probably one in the course a year, seldom more, although it is entirely a Hindoo district.

1253. In the neighbourhood of Patna are they more frequent?—They are more frequent there than north of the Ganges. Patna is divided by the Ganges into two divisions. Suttees are less frequent in the districts north of the Ganges than in those districts south of the Ganges.

1254. Is there so much religion attached to this ceremony as to make it dangerous to interfere with it and declare it shall not take place?—I rather think it might be dangerous if it were common in the upper provinces; but it is not common in the upper provinces, but more confined to Bengal, where the people are not likely to be turbulent; I therefore do not think there would be much danger in prohibiting the practice entirely.

1255. Notwithstanding the great frequency of the practice?—Notwithstanding the frequency of the practice, I do not think there is any thing to be apprehended from the Bengalese; they are a different people altogether from those of the upper provinces.

1256. Their religious feeling is stronger?—Yes.

1257. In what manner would you proceed if you wanted to put it down; would you punish all that were present?—No, not all that were present; but the officiating Brahmins and people of that description ought to be punished.

1258. Is it necessary that a suttee should be performed only in public?—I believe it is.

1259. Do you not apprehend, that if it was prevented in public it might take place privately?—No, I think not.

1260. Is notice given of a suttee now by law?—It is not necessary; there is no punishment incurred by not giving notice.

1261. Is notice generally given?—Notice is very frequently given.

1262. How many persons may be considered as officiating at a suttee, so as to be criminal; if a suttee were declared contrary to law, how many are there aiding and abetting?—I cannot say exactly. All the persons concerned in the suttee.

1263. How many Brahmins?—Probably two or three.

1264. The whole family, and two or three Brahmins?—Yes.

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1265. Were not suttees at one time absolutely prohibited by the Mohamedans?—I am not aware whether that was the fact.

1266. It is confined to the highest caste, is it not?—It ought to be confined to the highest caste; it is by the Hindoo law, but it is not by practice.

1267. Did you ever know the Brahmins interfere to prevent a suttee?—I never knew an instance.

1268. Did you ever know a person resist, and forced to submit to a suttee by the Brahmins present?—No, I never knew an instance of that. I have known them get away after having been upon the pile. I saw one instance of that myself.

1269. Was she driven back, or did she finally escape?—She got up and went off.

1270. She was not prevented from going away?—No, she was not; but on that occasion there was a Mohamedan police officer present: of course nothing was put over; she was allowed to burn, or not, as she liked.

1271. She lost her caste by going away, did she not?—Really I cannot tell. The family lost more than she did; it is the family that loses the caste; it is not so much the woman as the family.

1272. Is not a suttee now always attended by an officer of the government?—When information is given, I believe it is.

1273. Suttees have not always been attended by officers of government, have they?—No.

1274. When did that regulation first take place?—I am not perfectly certain, but I think in 1812 or 1813.

1275. Do you know whether the circumstance of an officer attending has had the effect of giving an appearance of the sanction of government to the practice?—I do not think so.

1276. If the wife survives, she inherits a considerable portion of the property, does she not?—No; she is entitled only to food and clothing.

1277. Have you ever conversed with Brahmins on the subject of the abolition of the suttee?—I have not.

1278. You cannot say whether they themselves consider it as highly desirable or practicable to get rid of it?—No, I cannot exactly say.

1279. Have you known of any instance in which a suttee has been prevented by any officer of the government?—I do not. There may have been instances of the kind occurred of their having persuaded women from becoming suttees; but I cannot speak positively to the fact.

1280. Do slaves labour under any legal disqualifications?—I believe, under the Mohamedan law, in giving evidence, there is some disqualification.

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1281. You cannot state to what extent?—I cannot.

1282. Are the bondsmen you speak of numerous?—In one district they are.

1283. What proportion do you think they may bear to the general population of the district?—I cannot say, it is so various; and it is only in one very small portion of the Company's territory that they are very common.

1284. Their slavery is of a mild nature, is it not?—Very much so; they are almost children in the family.

1285. What is the name of the district?—Ramgur.

The witness is directed to withdraw.

Ordered, That this Committee be adjourned to Tuesday next, one o'clock.

Die Martis, 9° Martii 1830.

The LORD PRESIDENT in the Chair.

Sir EDWARD HYDE EAST, Baronet, a Member of the House of Commons, attending, is called in, and examined as follows:—

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1286. WHAT judicial situation did you fill in India?—I was Chief Justice of the Supreme Court in Calcutta. I went out in the year 1813; I arrived there some time in November, I think the 8th.

1287. How many years did you remain Chief Justice?—I left India of course, having resigned my situation, in the beginning of the year 1822; I think in January 1822.

1288. Have the goodness to describe the constitution of the court over which you presided?—It consists of three Judges. Originally it consisted of four; but the office of one of the Judges was suppressed, to form a fund for the payment of the pensions of the Judges who retired.

1289. About what time did that alteration take place?—Before my time. There are various subordinate officers belonging to the court; there is a Registrar, a Master in Equity, and several other subordinate officers; those are the two principal officers.

1290. Is the number of Advocates who are admitted to plead before the court limited or unlimited?—The number of Advocates depends entirely upon the number the court think proper to call. The power of calling to the bar rests with the court at Calcutta. When I arrived there, I found but three Advocates, the Advocate-general of the Company, and another gentleman

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who was the second Counsel of the Company; and there was a third barrister there, Mr. Stewart, who was in an ill state of health; and very shortly after I arrived he was obliged to go to sea for some time, in order to restore his health.

1291. At the time he went to sea there was no Advocate before the court but the two Advocates of the Company?—No.

1292. Who then conducted the causes in which the Company was a party?—For a time, of course, there was nobody. If there had been any cause, which I am not aware that there was at that time, in which the Company were concerned, there would have been no Advocate at all during Mr. Stewart's absence; and in consequence of that I wrote a letter to Lord Buckinghamshire, who was at the head of the Board of Control, informing him of that state of things. My son had been called to the bar before I went, and was permitted to go out with me; but as I understood that—although it was not mentioned officially to me, indeed there was no such understanding on the part of the Chairman or Deputy Chairman of the East-India Company, with whom I had personal communication—but as I understood there were some of the Directors that thought it was not proper that the son of the Chief Justice should practise at the bar, I had some communication with Lord Buckinghamshire upon the subject; and I told him that under those circumstances, (not knowing at that time, before I went out, what the state of the bar was,) I should certainly not call my son to the bar without further communication from his Lordship. But, in looking out the papers I have in my hand upon the judicial state of India, after receiving the notice on Saturday morning last that your Lordships desired to examine me, I happened to lay my hands upon the letters which I had written to Lord Buckinghamshire upon that occasion, and the answers* which I received from him; and perhaps a reference to these will be a more satisfactory and certain method of communicating what passed than mere general recollection. I wrote to the Board of Control, under date of December 9, 1813, stating that I thought it proper to mention to his Lordship, as Minister of the Crown for his department, the state of the bar upon my arrival at Calcutta; that there were then only three Advocates, two of whom, the Advocate-general and another gentleman, were the standing counsel of the Company, and the third was in a precarious state of health, which obliged him to retire for the then session to get change of air at sea; that in this state of things I received the most urgent solicitations, both from the

* I had two letters of mine and two of Lord B.'s with me, but I think only one of the latter was read to the Committee, the first being considered sufficient for the purpose of the inquiry. That part of the second letter which referred to the same subject was confirmatory of the first.

bar and from the bench, to permit my son to practise as a barrister, and I could only prevent the other Judges from calling him, even against my concurrence, by assuring them that I should consider my own honour wounded by it, until I understood from the Chairman of the Company that the objection started by some of the Directors to that measure was withdrawn, or until the President of the Board of Control gave his fiat for my assent, that I should have stated more upon the subject if I had not felt myself individually implicated in the discussion; but that I should not on that account shrink from the duty which I owed to his Majesty, and to the whole profession of which I had the honour to be a member.

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1293. Will you now state what was done in consequence of that representation?—I received from Lord Buckinghamshire a letter, dated India Board, June 7, 1814, stating that he had received my letter of the 9th of December 1813, and had immediately sent an extract from that part of it which immediately related to my son to the Chairman of the Court of Directors; but as he was not informed whether he had written to me or not on the subject, he, Lord Buckinghamshire, could have no hesitation in stating to me his opinion, that under the circumstances I have mentioned, and which indeed had been confirmed to him by Sir Henry Russell, I ought not any longer to resist the solicitation of the bar and the bench, with respect to my son's practising as a lawyer in the Supreme court. I stated, in answer to that dated the 20th of December 1814, that in consequence of his Lordship's letter, the other Judges to whom I had communicated it had entirely concurred in it, signifying their intention of calling him at the meeting of the court in the next term; and that the same necessity indeed still existed for a further addition to the bar, for although we had permitted Mr. Lewin, who had before held the office of Master of the court, to resume his practice, after he had resigned his office, and Mr. Stewart had been appointed to it, and although we had also called another gentleman who had practised at the bar at Madras, and had left it for the purpose, yet as Mr. Lewin was about to depart for Europe, the number would be again reduced to three under the circumstances I have before mentioned.

1294. In consequence of that subsequent representation, was any further addition made to the bar?—In consequence of that, and of the feeling which the Judges entertained, that the bar ought to be more numerous, we did from time to time, as opportunity occurred of acquiring barristers, call various gentlemen; and before I left the court, I think there were either eight or nine barristers practising in it.

1295. Is the Commitee to understand that eight or nine was the largest number of advocates at any time permitted to practise during the time you presided over the court?—It was, I

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believe, the largest number; but the number was continually increasing during my time. As we were able to get accessions, no barrister with a proper certificate was rejected; but there was one gentleman who was admitted in the course of that time who was not admitted so soon as he applied, because he had come out from England without the certificate which the court before my time required before they admitted any gentleman to the bar; that is, a certificate from two of the Judges in England, testifying their knowledge or belief of his integrity and ability, without which we could not admit him. This gentleman coming out at first without that certificate, we declined calling him then; but he obtained his certificate afterwards, and then we called him.

1296. Do you conceive, from your experience of the business of the court, that the number you have now mentioned is fully adequate to meet the business and the demands of individual suitors?—The business of the court was increasing from time to time, during all the time that I remained. I do not know whether the present amount of business requires more or not; but I see no reason why any gentleman at the bar, obtaining the certificate I have mentioned of his integrity and ability from two of the Judges of England, should not be permitted to go out and practise at the bar. If the bar gets overstocked by those means, it will, of course, stop the going out of more, when any gentlemen who are desirous of going out find that it is not likely to answer for them, at least for some period of time.

1297. The Committee is to understand, that during the time you presided over the court, the business of the court was constantly progressive?—That is more than I can charge my memory with directly stating: but it had very much increased during the time I was there. I think I have seen lately some returns of that kind; and though I did not pay very minute attention to them, not then having my attention called to the subject, I think it appeared that though it did not regularly from year to year progress, it was generally progressive upon the whole.

1298. The idea upon your mind was, it was likely to increase still further?—Yes.

1299. Is the number of attornies of the court limited, and what are the circumstances of that limitation?—There was formerly, and in my time, a limitation of the number of attornies, and the number was, I think, extended more than once while I remained at Calcutta; but whether there is now any precise limit to it or not, is more than I can say; but the number of attornies was much increased while I remained there, and I believe it has been still more increased since I came away.

1300. Do you remember the number to which it was formerly

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limited?—I think the first limitation I heard of was of the number of twelve, and then it got to four, or five, or six more, and then to twenty. It went on as the business of the court was increasing; but there were certainly several of the attornies who were not in good business; they had all of them a little business, but the principal part of the business lay with some four, or five, or six.

1301. Did the increase in each instance take place under the authority of the court?—Yes, certainly; it was the only authority.

1302. Are those attornies exclusively Europeans?—Originally they were exclusively Europeans, but while I was there there were one, or two, or three half-caste persons let in, who had served their regular apprenticeship to attornies under articles in a regular manner, and were persons who conducted themselves very well; and we thought that under those circumstances they had fair claims to be let in to fill those situations.

1303. There were no native attornies who were not half-castes?—No, certainly no Hindoo or Mussulman; nor do I recollect any natives, except half-caste, who had served their time under regular articles.

1304. The court did not consider the circumstance of being a native of any description as a bar to a person being admitted to practise as an attorney, provided he was in other respects duly qualified?—Certainly not while I was there; that is, after we had come to the resolution I have mentioned.

1305. Did that portion of the attornies who were of the half-caste description generally conduct themselves, while they fell under your observation, with propriety and integrity?—With entire propriety and integrity, so far as I saw.

1306. Have the goodness to state what is the jurisdiction of the court over which you presided?—That is a very wide question, and therefore I must give a very general answer to it. After I had been there about two years I prepared a set of papers representing the general judicial state of the Supreme court, and, as far as I had obtained information, of the Provincial courts of the country, which I sent home, intended for Lord Buckinghamshire, who was President of the Board of Control. Unfortunately, he died before the papers reached home, but the papers got to the Board of Control, and have remained there. Those papers enter very fully into the statement which comprises much of the question now put to me; but I can give a general answer to the question. The criminal jurisdiction of the court, within the limits of Calcutta described by the Mahratta Ditch, is general over all the persons living within that local ambit. The civil jurisdiction is also co-extensive over all persons within the local ambit; but with this reservation in respect

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of the native population, that the laws of inheritance, succession, and contract are reserved to the Mussulmans and to the Gentoos, which is the expression made use of, by which was understood generally the Hindoos, and therefore the general law of England, in respect to those particular subjects, did not attach upon them; but all the rest of the civil laws of England, with the distinction to which I shall presently advert, attached upon them that did not touch their inheritance, succession, or contracts, even within the local ambit of Calcutta. The entire common law of England, so far as it was applicable to them, was transferred with the first charter that was granted, in the 13th of George the First; but the statute law of England was only supposed to be transferred by the charter up to that period, but not subsequently, unless by special Acts of Parliament affecting India.

1307. You mean that the laws of inheritance, succession, and contract were administered to the natives, within the limits of Calcutta, by the Supreme court, according to the best knowledge you could obtain of their laws?—Yes; of course, to obtain this knowledge we consulted the Pundits with respect to the Hindoo law, and the Moolvies with respect to the Mussulman law, whenever any points of controversy arose upon those respective laws; and we had also the assistance of many learned works written upon the Hindoo law.

1308. What was the jurisdiction of the court beyond the limits of Calcutta?—The jurisdiction of the Supreme court within the presidency of Bengal, and other provinces annexed, extended over all British-born subjects, and the lawful descendants of British-born subjects. By British-born subjects I must be understood to mean that which I understand the Acts of Parliament to mean, British European subjects, as contradistinguished from native subjects; British European subjects and their lawful descendants. And further, our jurisdiction extended to all natives that were in the service of the Company, and in civil cases to natives contracting with British subjects.

1309. Is the Supreme court also a court of appeal from any inferior courts?—The Supreme court was not, in its original constitution, and for a long period, an appellate court at all from the Provincial courts of the Company; but there was an Act passed, I think, a very little while before I left India, giving jurisdiction over British subjects to the provincial Magistrates and courts over petty trespasses and small matters of that kind, which it was thought burdensome to send to a vast distance to be tried by the Supreme court, which might probably put it out of the power of natives in an inferior situation to sue those British subjects at all; and in those instances, or some of them, there was an appeal given, on account of the parties being British subjects, to the Supreme conrt; and we were required to

make regulations for the conducting of those appeals, which were either actually drawn out or in progress about the time of my departure; but those were in small matters, on account of the heavy expence to be incurred in going hundreds of miles for redress in case of petty offences.

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1310. No considerable portion of the time of the Supreme court is occupied in trying cases of appeal?—While I was there, there was no portion at all. Whether that new power of appeal has produced the effect of bringing appeals to the court, I am not informed.

1311. Have you reason to think that that portion of the natives whose interest were brought under the legal administration of the Supreme court were satisfied with the law so administered?—I have every reason to believe that they were perfectly satisfied when I was coming away; indeed they told me so, both Mussulmans and Hindoos. The jurisdiction of the court was exercised, especially on the equity side, very frequently over considerable property belonging to the natives that was locally situated out of the limit of Calcutta, on account of the residence in Calcutta of the native defendants who were sued; so that when a Hindoo of large landed property had a residence in Calcutta, which gave us a jurisdiction over his person, although his property was out of the limits, yet bills in equity were on that account filed against him in the Supreme court, which did, in fact, bring under the judgment of the court a very considerable mass of property belonging to persons of that description living in Calcutta, though the property itself was beyond the limits; and I have every reason to believe that the natives were perfectly satisfied with the judgment of the Supreme court upon all matters of that description that were brought before the court; and as most, or nearly all, indeed, of the natives who had property within the neighbourhood of Calcutta had houses in Calcutta, property so situate bore an advanced price beyond the market price of landed property in general in the provinces, but it might have been in part owing to the nearer neighbourhood of the capital; still that increased value extended a long way beyond the mere range and capability of raising buildings and other improvements in the vicinity of the capital.

1312. You have no reason to think that the natives have any aversion or digust with the English law, as being English?—I have every reason to believe, from personal communications made to myself from many of the principal Hindoos in Calcutta, that they considered it a very great advantage to them to have both their persons and property under the judgment of the Supreme court, reserving their own laws to be administered in the instances before mentioned.

1313. Does the same observation extend to Mohamedans as

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well as Hindoos?—I believe that it does; but the Mohamedans, except some few persons of very high rank, are not generally in possession of much wealth, like the Hindoos, and have comparatively but small landed possessions compared with the Hindoos, and therefore we had much fewer causes respecting that class of the population than we had as to the other.

1314. Do you suppose the same favourable feeling towards the English law would prevail among the natives, supposing its authority to be extended in the country beyond the limits you have described?—I am perfectly persuaded that the native population do entertain the opinion, that being placed under the jurisdiction of the Supreme court would be advantageous to them.

1315. Do you state that from opinion merely, or from actual communication with any natives not now under the authority of the British law?—I state that from personal communication with many natives, but of course they were natives that I was in the habit of seeing in Calcutta from time to time. I have only occasionally seen natives from the upper provinces, and have had very little of this sort of communication with them; but the generality of persons with whom I have had much communication of that kind were of necessity persons either living within Calcutta, or within the near neighbourhood of it.

1316. Have you in any instance found that the possible extension of the English law among the natives was a subject of apprehension with them?—Certainly not, provided their own particular laws of inheritance and succession, and contract, were preserved to them. I do not mean to say that they preferred our laws of that description to their own laws, but the administration of their laws by a court constituted as the Supreme court was.

1317. Reserved for them in the same manner as they are within the limits of the Calcutta jurisdiction?—Just so.

1318. Were the native authorities, Pundits and others, to whom you had recourse for the administration of Hindoo and Mohamedan law, persons regularly designated for that purpose, or called upon occasionally as the court might think fit?—There were certain official Pundits and Moolvies appointed expressly for the court. In that appointment the court always consulted the general opinions of the respective portions of the native population, as to those who were best calculated in the repute of their class to give the best advice to the court on questions of their law; but it sometimes happened that, upon questions of disputed law, the court was not entirely satisfied with the opinions of those particular Pundits or Moolvies, and upon all occasions of that kind we took the opinions of others the most celebrated Pundits and Moolvies we were able to resort to, in order to guide our judgment upon the matters in dispute.

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Persons of that description who were in attendance in the court of Sudder dewanny adawlut, which was likewise sitting in Calcutta for the purposes of the provincial judicature, were always at hand, and we are always able to apply to them; if they all agreed upon the same doctrine, we of course adopted it; if they differed, we then gave our judgment upon what we thought was the best course to pursue in reference to the general spirit of the respective codes, and for the furtherance of justice.

1319. Can you state generally the average duration of suits before the court?—When I arrived in Calcutta I found no arrear of suits. There was nothing that was standing for judgment, and every cause, up to the extent that the parties themselves thought proper to bring it, was forwarded; and when I left it, I left it in the same situation. Every cause, as far as the court was concerned, was carried to the extent the parties thought proper to carry it, and there was no cause standing for judgment.

1320. Are the fees and other expences of proceedings regulated by the court?—No; that is left to the same feelings that prevail here. The fees were considered as the *quicquid honorarium*, in the same manner as at the English bar.

1321. Are the expences, in point of fact, very considerable? —In point of fact, in causes of any weight the expences are exceedingly great.

1322. Does any mode occur to you in which they could be diminished?—There is no other mode of doing it, except by exercising a very strict discipline over the taxation of costs, which was exercised in many instances when the attention of the court was called to it. Every bill was taxed in the ordinary course of proceeding by the Master or other officer of the court, but still the expences were undoubtedly very heavy, and we endeavoured on various occasions to contract them as much as we could, but still we found them heavy; undoubtedly more so than was desirable.

1323. Do you suppose that an extended application of the authority of English law, supposing it was desirable, could be effected in the country without an increase of expence attending the rules under it?—That would depend upon the extent to which the reform of the present judicial system was carried. If English courts, similar to the Supreme courts now existing, were to be established throughout India, I have no doubt it would tend to a very great increase of expence unavoidably. I think that would be most desirable, except on the question of expence; but I believe that a great deal may be done without going to that extent, at a very moderate, if any, increase of expence, but not so perfectly. Our legal machinery is exceedingly excellent in its kind, but is too dear. I have formerly written some observations upon this and other subjects connected with the admi-

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nistration of laws in India, which, if it is desired by the Committee, I will deliver in. The greater part of those observations were written after I had been upon the bench about two years, during which time I endeavoured, in every way that was within my reach, to obtain information upon the subject at large. They were then dispatched home; but subsequently to that time, and from time to time, as either I saw reason to correct any opinion I had before advanced, or obtained any fresh information, I made notes and memoranda upon the original papers.

(Sir Edward Hyde East is requested to deliver in these papers.)

1324. You mentioned that the Supreme court exercised jurisdiction over real property beyond the limits of Calcutta, through the medium of persons resident within Calcutta; was that in consequence of a fiction of the law or a positive enactment?—It was in equity cases, where the person resided within our jurisdiction, and therefore those complainants who wished to sue him preferred suing him where he lived, because it brought their cause for judgment before the Supreme court, instead of suing him where his estate lay, within the jurisdiction of the Mofussil courts.

1325. You were understood to say, that you imagined the natives generally would be desirous of having the British judicature extended over the rest of India?—That is my belief.

1326. Does that proceed from your opinion that their laws would be administered more consistently and strictly by the integrity of British Judges, or from any desire that there should be an assimilation between their laws and ours?—My belief is, that they did not wish to have their laws of inheritance and succession and contract changed, but that they thought that the courts which had been instituted by the King there, and filled with his Judges, would better administer justice to them. I do not speak of the Judges personally; there were some most eminent men in the Mofussil courts: but I consider that the natives preferred as Judges persons whom they supposed to have been properly educated for the purpose, and having the assistance also which they themselves derived in their causes from the British bar. Those were the inducements which made them prefer coming under that judicature.

1327. In the case adverted to just now you reached the jurisdiction over the property in consequence of the jurisdiction over the persons?—Yes; those persons residing within the local limits of the jurisdiction of the court. I ought to explain, that in all cases in equity the jurisdiction is entirely over the person, to compel him to do certain acts which the court of equity thinks conscientiously he ought to do. The only jurisdiction which does in effect reach the property is through the medium of the person being subject to its controul, as being resident within the limits.

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1328. Do the Moolvies and Pundits who attend the Supreme court receive any fixed salary?—Yes, an annual fixed salary.

1329. Are those salaries adequate to the duties they perform?—They are adequate to their condition in society, I think. They were so, at least, when those salaries were established.

1330. By what law are the civil rights of half-caste persons, residing without the jurisdiction of Calcutta, defined in the instances of marriages or successions?—Their situation is in many respects very perilous. Some of them I know personally, gentlemen educated in this country; and yet if they reside out of the jurisdiction of the court, being many of them illegitimate, and who therefore could not be deemed to be British subjects within the general meaning of the laws passed for India, the difficulty was to know how to deal with them, for the Mofussil courts only administered the Hindoo law to Hindoos, and the Mussulman law to Mussulmans. The condition, therefore, of these persons, who were Christians, and living and associating with British subjects, and considering themselves as such when living out of the limits of the Supreme court, was so extraordinary and so anomalous, that it was a subject of very great difficulty, and one of the subjects which I have represented for serious consideration in the first instance, in the papers before me.

1331. Were not they considered in the eye of the law as natives generally, and subject to the native jurisdiction?—Subject as natives, no doubt, to the jurisdiction within which they lived; they were persons capable of holding lands in India, which British subjects were not. That was an advantage to them; and when they have spoken of the peculiar hardships of their situation, I have advised them to wait with patience till the whole matter could be brought under the consideration of the British Government, so that care might be taken that if they were admitted at any time to the full privileges of British subjects, they should still retain their power of holding lands in their own country.

1332. Were they defined to be native subjects by the positive regulation of the Court of Directors?—No, not that I am aware of; but all through the Acts of Parliament for the government and regulation of affairs in India this distinction is taken throughout between British subjects and those whom we also consider subjects of the Crown, but native subjects. It very frequently happens that even in the same clause they are spoken of as two different classes of people. Contracts may be made between British subjects and the natives, taking the same distinction throughout the statutes, so that we were unable to put any other construction upon the term British subjects than British-born subjects with their lawful descendants.

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1333. Were the people described as natives, as contradistinguished from British subjects, in the Regulations published by the Governor-general in Council?—There may have been some such description in the Regulations which I am not acquainted with; but in the charter constituting and regulating the jurisdiction of the Supreme court in Calcutta, and the statute leading the charter, the general terms are Mussulmans and Gentoos. The term "Gentoos" was generally understood to mean the Hindoos, but the term originally used was Gentoos. Whether that was intended to comprehend all other descriptions of Asiatics who happened to be located within the British bounds in India, is, perhaps, very difficult to be told at this time of day; and there is this singularity in the Hindoo law, that when any Asiatics, such as Sikhs, Parsees, Chinese, and so on, come and settle in India, they bring with them, as it is understood, their own civil laws in many respects, such as of marriage, succession, &c. That is the general spirit and understanding of the Hindoo law; so that all questions of marriage, which in most other countries in the world is a question of local ceremony, and to be governed by the law of the country and modes of adoption, and various other matters, are regulated by their own particular customs, which they bring with them. It is a singular state of things, arising, probably, from the circumstance that India has been so frequently overrun by different classes of conquerors and settlers. I suppose it was found to be a convenient arrangement which the Hindoo law adopted; but we were restrained from administering the Hindoo law, except between Hindoo and Hindoo, which increased our difficulty in these questions. But there is another circumstance that perhaps, in mentioning the jurisdiction, I should have added, that the charter and its leading statute provided that where there are two parties before the court under contrarient laws, as in a suit between a Mussulman and a Hindoo, the law of the defendant shall prevail between them; therefore that difficulty was provided for partially in the first instance.

1334. Do the half-castes follow the religion of their mothers?—Some of them, no doubt, have done so, from having been deserted by their fathers in their infancy; but the greater part of them are certainly brought up as Christians. Those that we call Portuguese in India are often the descendants of persons of that description: the greater part of them are Roman Catholics; there are some Protestants among them, and I believe that number is increasing latterly.

1335. By what law are they regulated?—Those that inhabit within the local ambit of the jurisdiction of the Supreme court are governed entirely by the British law, for we have only power to administer either the British law to British subjects, or the Hindoo law to Hindoos, or the Mussulman law to Mussulmans; and that is one of the difficulties we had to manage,

that when there was any other description of persons before us (and there are many Chinese, as well as other foreigners, settling in Calcutta), we could only administer the British law to them; we could not administer Hindoo or Mussulman law to them. Our power of administering either of those laws is according to the class to which it is to be applied, the Hindoo to Hindoos, and so on.

1336. Beyond the jurisdiction of the Supreme court, when you found a man who was neither a Mussulman or Hindoo, what law did you apply to him?—If he was beyond the limit, we could apply no law to him unless he was a British subject, or in the service of the Company.

1337. What do the Provincial courts apply to him?—They administer the Hindoo code and the Mussulman code; I am not aware that they can administer any other, though these have, I believe, been varied and explained from time to time by government Regulations, which are forming a kind of new code in the Mofussil.

1338. If he was a Chinese, what law would they administer to him?—I do not know what they could do in that case; he would be obliged to submit to the only law that the respective courts had authority to administer to him. In criminal cases there was never any difficulty about it, because the criminal code that was exercised by the Supreme court and the Mofussil courts, within their respective limits, comprehended every person living within them.

1339. The question respects the Provincial courts?—Of course. If a half-caste, who was illegitimate and not a British subject, was living under the Mofussil court, and he committed any offence, he could only be tried by that which was originally the Mussulman law. But it ought to be well understood, that the Company's government have from time to time made a variety of Regulations, and have adopted a very considerable portion of the English criminal law by their particular Regulations, and therefore there is no doubt that he would have been tried in some degree in the spirit of the British law; but he would not have been entitled to have had a jury. He would have been liable to have been tried even in capital cases by the Judges of the Mofussil court, without the intervention of a jury.

1340. In one of the answers you gave, it appears that you thought the natives of Calcutta preferred very much the jurisdiction of the Supreme court; is that in contradistinction to the Provincial courts?—Yes, I must say that, and I have assigned the reasons, not from any personal preference to the individual, but to the system as exercised by the Supreme court.

1341. The general satisfaction they expressed with respect to British subjects did not apply to the Provincial courts?—No, I always understood it to apply to the Supreme court.

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1342. The laws in those Provincial courts, however, were administered by British Judges?—The laws in the Provincial courts were administered by British Judges; and it happened to me while I was there to know many of them, and very eminent excellent men they were; and I should say, that the principal difficulty they had to encounter, and to which a remedy, I think, ought to be applied, is, that when a man started in his early days, he had all his experience and his legal principles to acquire, and after having presided in the different courts of the Company for several years, many a gentleman of great ability and integrity has made himself a very excellent Judge; but when he departed, which was at a time when his judgment and experience were ripened, he left no successor to his knowledge behind him, and the next person that was to go through those gradations, and to come into his place, had got to acquire all the experience again, which I look upon to be the principal defect in that constitution; thereby men are not educated for the great and responsible situations they are afterwards to fill; they have no means of attending to hear the judgments and to observe the course pursued by those persons who had already acquired experience, but that experience dies or departs with the best Judges, and their successors have got to begin *ab ovo*, with acquiring the like.

1343. A great proportion of the causes which are decided, some criminal and many civil, are decided by the Registrar; that is the first step a man takes in the judicial line?—So I understand; but many years having passed since I collected any information of these matters in the Mofussil courts, I do not feel myself competent to give proper information of the course of their proceedings.

1344. Those persons who decide those cases are men of two and twenty, are they not?—They are very young, from the necessity of the thing.

1345. At about what period do they arrive at the situation of Assistant?—I am not sufficiently informed to give an answer to that question.

1346. What was the amount of business in the Supreme court; how many causes were decided in the course of the year?—I have not taken an account of that; but in one of the returns to the House of Commons, very lately delivered to the members, I think that is stated.

1347. Were you sitting occasionally, or had you terms?—We had regular terms four times a year; criminal sessions four times a year; and regular sittings after each term, both at law and in equity. One was taken after the other.

1348. What was the principal cause of the great expence of conducting a cause?—It arose, I think, from large fees to counsel, and high charges of solicitors and attorneys in great causes.

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I am not aware that fees and charges, or the mere fees of the court, were in common cases any thing extraordinary; but in great causes, involving large property, the attorneys and solicitors certainly made very high charges, by consent, I dare say, of their clients, and then the fees were also very high. I am speaking of those in proportion to what we know of here: on particular occasions at home, very high fees and charges occur. I think a high ratio was more general there than here, otherwise a common cause for goods sold and delivered, or any common cause of that kind, I believe, was tried comparatively as reasonably as it is here, or something higher, as may naturally be expected, but nothing extravagant; but in great equity suits, where very large masses of property were involved, and where the people were often very litigious, and were sometimes fighting for victory almost as much as for property, they themselves encouraged a great latitude of expence. I may add, that when long examinations were taken in equity causes, or long accounts, or large sums of money brought into court, the fees of the several officers of the courts were very high.

1349. Do you know at all the state of litigation as between the lower provinces and the upper, the quantity of suits depending at any given time?—No, I am not able to state that; but I believe that the information may be obtained from Parliamentary papers. The arrears at times have been very great; but it is to be borne in mind that native persons of large property being debarred by the existing state of things from the common and ordinary excitements of life, they certainly do indulge to a very considerable degree in the love of litigation; it may be said to be one of their principal excitements.

1350. A great number of causes, up to a certain extent, are decided by native officers?—Those are to a small amount in value.

1351. Had you much opportunity of being acquainted with the character of those officers, and the degree of confidence to be placed in them?—I had no personal knowledge of those officers; but I must confess that the characters I have heard of the generality, both from Europeans and natives who had such knowledge, were very far from being of a nature to encourage one to put a great deal of judicial power in their hands.

1352. That you apply as much to the Judges as to those persons called Vackeels or agents?—Whenever any men of that description, I should speak rather of a great number of them, are placed in any situation of authority, it has been, I fear, too much the custom with them to avail themselves of it for their own pecuniary advantage; but I am not so able to speak to that as gentlemen who have presided or officiated in the Mofussil courts. I am quite sure of this, that the government had but a bad opinion of them there, because there have been many Regu-

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lations made by the local government from time to time of the most degrading character to individuals of that sort, in order to guard against their corruption.

1353. May prejudice have had any influence in that?—It may have had to some extent: but general experience, I believe, called for it.

1354. Do you think that the opinion you have expressed as to native Judges applies to the native officers attached to the court, where justice is conscientiously administered by an European?—Yes, that was a common opinion; but we had no such officers attached to the Supreme court, except the Pundits and Moolvies, whom we consulted on their respective codes.

1355. There is a sort of officer belonging to the Zillah courts; what do you believe to be the character of those persons, whether they were subject to corruption?—Those, I believe, are the Sudder aumeens. They are some of those to whom I allude; but that is merely from what I have commonly and generally heard, for I had no personal knowledge upon the subject.

1356. Had you seen enough, while in India, of the conduct of the natives, to give an opinion as to any improvement which might be made in the administration of justice in India, by introducing a greater number of native officers?—In the papers I have drawn up, and which I sent home some years ago, while I was in India, I have pointed out a mode.

1357. You have stated in one of your answers, that in equity cases, where the person resided in Calcutta, and his property was out of the jurisdiction of your court, you came at the property by means of the person who was within the jurisdiction; how did that apply in cases where you were obliged to appoint receivers to property of large amount, applied to a property out of the jurisdiction, and not to the person?—Where the parties were brought before the court in the regular course of its jurisdiction, then the property which was in dispute between them was incidentally brought also under the jurisdiction of the court, so as to be dealt with by their decree; but when we came to execute a decree against a defendant, all we could do was to lay hold of his person till he did such and such acts ordered by the court. It would be well to look further into this subject, and clear any doubt, if such there be, by a legislative provision, calling in the assistance of the provincial officers of the Company.

1358. Could your receivers, appointed out of your jurisdiction, enforce the receipt of rent, or execute the duty which they performed, only under your jurisdiction?—Yes, they could and did.

1359. During your stay in India, had you any opportunity of forming any judgment upon the question of suttees: did any

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fall within your immediate notice?—I was never present upon such an occasion as that; I always avoided it. I have heard of them; they were considerably more frequent in the neighbourhood of the presidencies than they were, I believe, in the interior of the country.

1360. What reason do you assign for their being more frequent in the neighbourhood of the presidencies, and consequently in the neighbourhood of increased civilization, than in the provinces?—I think it arose, in a considerable degree, from the excitement that was caused by missionaries and others, in attempting to argue down the natives, and to get rid of them; that created a spirit of opposition on the part of those who were interested in preserving that horrible institution, and made them more active in endeavouring to accomplish the purpose whenever they could.

1361. Was there any Regulation by which notice was obliged to be given to any officers of government of an intention on the part of the natives to have a suttee?—There was a Regulation of the government which required that no suttees should take place without notice to the Magistrate of the district, so as to enable that Magistrate to assure himself that the sacrifice was voluntarily performed by the victim, and that there was no fraud or force used in order to accomplish the purpose. But I have heard the propriety of that Regulation questioned; and I am not quite sure whether there was not, in some degree, a bad effect produced by it, because it had something of an appearance, when the thing did take place, as if it took place with the consent of the British government. But the Regulation was certainly exceedingly well intended, and calculated to prevent any actual force or fraud, by intoxication or otherwise, being made use of, for the purpose of inducing a victim, not otherwise willing and desirous of sacrificing herself, to be sacrificed.

1362. Practically do you believe suttees were held without such communication with the Magistrate of the district?—No; I have no reason to believe that in any case, after the promulgation of that Regulation of the government, any suttees took place (at least I have no knowledge of such a fact) without that previous communication having been made to the Magistrate; but there might have been, without my knowing or hearing of it.

1363. Do you believe that suttees became more or less frequent after that Regulation was made?—That I have no means of judging of; I merely know, from the representations of various persons, that suttees were more frequent within a certain reach of the presidency than they were in the interior the country.

1364. That you attribute to the well-intentioned zeal of certain persons who had interested themselves in endeavouring to

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put down that practice?—Yes; that was the most common opinion which I heard expressed, which induced me to think so. But I verily believe that, by prudent conduct and interference of the government, the practice is capable of being (though not perhaps in a moment) altogether gotten rid of; that is my belief.

1365. Do you believe that may be more easily done by influence exerted by the government, or by legislative provision?—I think much better done by influence exerted by the government; more simply done, without the risk of a convulsion, which I could not be sure might not be created, if it was attempted to be carried into effect by force, which a legislative provision would call for.

1366. You think the practice may be got rid of by a prudent interference on the part of government?—I am of that opinion, and I do not think the time required for that would be very long. Since I was examined, I have been informed by a gentleman who had more personal observation of this matter than I had, and of the sentiments of many of the natives upon it, that in his opinion they would gladly be relieved from this horrid practice by a direct prohibition from the government. I have no doubt that this was the opinion of the more enlightened native gentlemen, who did not like talking upon this subject, though ready enough to converse upon religious topics in general.

1367. You were understood to state your belief that the natives would rather wish the system of law, as administered in the Supreme court, to be extended; did you mean to confine that observation to civil causes, or to extend it to criminal also?—I meant both; but I should say that the criminal law, as administered by the Mofussil Judges, approaches much more to our mode of administration, except in the event of a jury, than the civil code.

Sir Edward Hyde East delivers in the statements referred to by him, which are read.

Vide Appendix on this Day's Evidence, Nos. 1, 2, 3, 4, *and* 5.

The witness is directed to withdraw.

Ordered, That this Committee be adjourned to Thursday next, one o'clock.

APPENDIX

TO THE

EVIDENCE OF SIR EDWARD HYDE EAST, BART., M.P.

No. I.

A SKETCH of the STATE and CONDITION of the BRITISH POPULATION within the JURISDICTION of the SUPREME COURT in CALCUTTA, in respect to LAWS and USAGES; with HINTS for ameliorating them.

IT is proper to remind government, that notwithstanding the Act of the 13 George III. c. 63, and the King's charter of 1774 granted under it, communicating all civil, criminal, admiralty, and ecclesiastical jurisdiction to the Supreme court thereby constituted, and virtually and essentially extending the common and statute law of England to the inhabitants of Calcutta, and to the British inhabitants of the whole presidency; yet that these inhabitants have not the full benefit of the statute law of England to a later period than the 13th year of George 1st, unless expressly named. This has been the uniform construction of the Judges of the Supreme court since its institution; and whether right or wrong originally, the Judges of the present day cannot depart from it, without authority of parliament.

13 Geo. 3. c. 63.
Charter of 1774.

General Statute Law of England stops at 13 Geo. 1.

7 Rep 17.
2 P. Wms. 75.

The period at which the general statute law stops, in regard to this presidency, is that of the constitution of the Mayor's court in Calcutta; when those who established that construction said, upon the doctrine of Calvin's case, that the British law was then first given to this, as to a British colony, and that, as such, it could not be included in any subsequent statute, unless specially named.

Thus, by a mere technical rule of doubtful application and extent, with respect at least to the fluctuating body of British residents in this presidency, not only they, but the whole native population of Calcutta, have been cut off from the common benefit of the British legislature, unless specially named (which has not always been remembered), without having any other effective local legislature substituted in the place of it. It is difficult to imagine that this could have been foreseen and intended.

The only power of internal legislation given at that period, as a corrective of local evils, was by the 36th clause of the statute 13 Geo. III. c. 63, which provides that it shall be lawful for the Governor-general and Council at Fort William, from time to time, to make such rules, ordinances, and regulations, for the good order and civil government of the settlement, and other places, &c., subordinate thereto, as shall be deemed just and reasonable (such rules, &c. not being repugnant to the laws of the realm); and to set, impose, inflict,

Internal legislation. 13 Geo. 3. c. 63, s. 36.

and levy reasonable fines and forfeitures for the breach or non-observance of such rules, &c.; but that the same or any of them shall not be valid unless duly registered and published in the Supreme court, with the consent and approbation of the said court; and then it specifies the mode and time of registry, and gives an appeal to the King in Council: making, however, the law valid in the meantime after its registry. By the statute 39 and 40 Geo. III., a further power was given to enforce such rules, &c. by corporeal punishment, that is, by public or private whipping, or otherwise; and the statute 53 Geo. III. c. 155, s. 66, requires copies of these rules, &c. to be annually laid before parliament.

Stat. 39 & 40 G. 3, c. 79, s. 18.

Stat. 53 Geo. 3, c. 155, s. 66.

Construction.

But looking first to the terms, "rules, ordinances, and regulations," used in the granting part, which rather convey the notion of a power to carry into effect by local and subordinate means and measures the substance or spirit of laws already given, than to originate new laws, shackled also as the power is by the express proviso that those local rules, &c. shall not be contrary to the laws of therealm, a restriction very difficult to adapt to local circumstances, andalmost irreconcileable with any plain departure from the general spirit of those laws, however proper in different circumstances; and most of all looking at the power given to sanction the observance of such local rules, &c., by fines, forfeitures, and corporeal punishment, the only construction which could safely be put upon this local legislating power was, that it was to be confined to mere police regulations for preserving the peace, preventing or punishing nuisances, and the like,* and was not to be extended to a general power of making original laws affecting the liberty or title to property of the inhabitants of Calcutta, including all descriptions, or even the laws, usages, and customs of the native inhabitants, though a new law should be given by the local government to affect the native inhabitants of the provinces in the same respects.

Particular Statutes for India.

Another mode has been taken to supply this defect in the state and condition of the inhabitants of Calcutta, namely, for Parliament to pass particular laws from time to time, remedying specific defects and grievances which could not any longer be delayed or palliated. These are to be found in the subsequent statutes: 21 Geo. III. c. 70, 26 Geo. III. c. 57, 33 Geo. III. c. 52, 37 Geo. III. c. 142, 39 and 40 Geo. III. c. 79, 47 Geo. III. sess. 2, c. 68, and 53 Geo. III. c. 155. Other statutes have been made since these observations were written, particularly the statute 9 Geo. IV. c. 74, for improving the administration of criminal justice in India, by which many of the omissions herein stated have been supplied, and other beneficial enactments made. See also the statute 7 Geo. IV. c. 37, regulating the appointment of native juries in India; statute 9 Geo. IV. c 33, as to the liability of real estates in India for debt; and c. 73, relating to insolvent debtors and bankrupts there.

General laws passed since 13 Geo. I, not extending to India.

But since the 13 Geo. I. a variety of laws of general application, and some of great utility, have passed, not only for improving and preserving the moral and legal state and condition of the people at home, and for the better protection of persons and property, but also for

* I doubt if something more was not originally intended by Parliament, controlled as the local legislation was by the appeal given.

repealing obsolete, inconvenient, and oppressive laws, and substituting new laws, better adapted to the growth of experience and intelligence. The mass of these, however necessary, have never reached India; and the British subjects in India, as well as the native inhabitants of Calcutta, remain under the statute laws of England (so far as they have been construed to apply to them) such as they were in the 13th year of George 1st, with the addition of the few I have mentioned, though some of the provisions still in force here have been modified or repealed as to England, and many new laws of beneficial import have passed which have not been extended to India.

Particular examples casually selected:

In order to show the actual inconvenience of this state of things, it is sufficient, without the parade and tedium of turning over the prolific indexes of the Statute Books, to mention several instances which have in fact occurred during the two years I have sat on this bench, wherein the deficiency was felt to the disparagement of justice.

Cheats by false pretences;

Cases within the 30 Geo. II. c. 24, against obtaining money, &c. by false pretences. The cheats escaped unpunished. This is of constant occurrence.

Felon standing mute, 12 Geo. 3, c. 20, and 9 Geo. 4, c. 74. s. 18.

A felon stood mute; and it was very doubtful whether it was not obstinately. If so found, he must have been put to the barbarous torture of *pein forte et dure*, instead of having judgment against him by the statute 12 Geo. III. c. 20. But this is now better provided for, by the court ordering a plea of not guilty to be entered for him.

Justices of peace

Various necessary and convenient powers are given to Justices of the peace by modern statutes, none of which extend to us, though as far as it was competent some of the powers have been supplied by local bye-laws.

Marriage of minors.

The Marriage Act does not extend hither. The Act *in toto* would not entirely have suited our condition and circumstances; but thus much we want, that no marriage of a minor in the Company's service should be valid, in the absence from the presidency under which he serves of both his parents or legal guardians, without the consent in writing of the Governor-general, or other head of the government, who may properly be considered *in loco parentis*. The Supreme court performs this parental duty as well as it can at present, by acting upon the canons which prohibit the clergy from marrying minors without the consent of their parents or guardians; and we have therefore lately resolved not to grant any marriage licence, unless upon oath that the parties are of age, or, if minors, that they have the consent of their parents, or of those to the care of whom their parents have confided them; and that they are not married to any other, nor know of any lawful impediment by consanguinity or otherwise. In the case of the Company's minor servants, we refuse our licence, unless they have the consent of the Governor-general, or other temporary head of the government, whom we consider, in the absence of their proper parents or guardians, to be *in loco parentum*.

Vide canon 62.

But if the clergyman choose to act without our licence, and, in the case of the Company's minor servants, without the approbation of the head of the government, though he may subject himself to ecclesiastical censures in the one case, or to the just displeasure of govern

ment in the other, yet the marriage is good, and the individual evil is remediless. Within a month after our new regulation, the affidavit required proved the means of preventing two incestuous marriages; and in another instance within the same period, where the marriage ceremony had been incautiously celebrated without a licence, it was afterwards discovered that one of the parties was already married at the time.

Remedy.

The clergy here ought therefore to be prohibited from marrying without the licence of the Supreme court in its ecclesiastical capacity, which we only grant upon the proper affidavit; and for which a very moderate fee is taken by our Registrar, which Parliament may, if they please, regulate; and the Court itself should be prohibited from granting a marriage licence to any minor in the Company's service, whose proper parents or legal guardians are not present and consenting, without the consent in writing of the Governor-general or other head of the government.

Lord Ellenborough's Act, malicious stabbing, &c.

The Black Act, 9 Geo. I. c. 22, making it a capital felony maliciously to shoot at another, extends hither; but Lord Ellenborough's Act, 43 Geo. III. c. 58, putting a malicious stabbing or cutting of another with intent to murder, &c. upon the same footing, does not extend hither, and is only a misdemeanor. I was under the necessity, in the same sessions, of passing two incongruous sentences on different prisoners for these several offences; and though the stabbing case was by far the most atrocious in moral guilt, the judgment was necessarily the most lenient. This was incomprehensible to the native audience around. The capital punishment was indeed afterwards commuted for transportation; but the worst offender could only be imprisoned here in the common gaol.

Other provisions.

There are other wholesome provisions in Lord Ellenborough's Act which do not reach us.

Burning in hand felons.

We are still obliged to give sentence of burning in the hand, where we do not transport, for grand larceny; because the statute 19 Geo. III. c. 74, s. 3, is of no avail to us, which enables other more appropriate punishments to be inflicted instead of it.

Embezzlements by servants, &c.

The statute 39 Geo. III. c. 85, against embezzlement by servants and clerks, (and see the corresponding statute of the 51 Geo. III. c. 38, passed for Ireland, which is more correctly worded in the description of the offence,) does not extend to us, though nowhere are there more frequent offences of this description.

Privily stealing from the person.

With us, the privily stealing from the person is still a capital offence under the statute 8 Elizabeth, c. 4, though the statute 48 Geo. III. c. 129, substitutes imprisonment and hard labour, not exceeding three years.

Wilful destruction of ships.

The statute 43 Geo. III. c. 113, makes new provisions against the wilful destroying of ships, &c., an offence which there is reason to fear is not of unfrequent occurrence in these rivers and seas.*

Witnesses not answering.

The statute 46 Geo. III. c. 37, declaring the law with respect to witnesses refusing to answer, may be supposed sufficient.

Post Office.

There are no laws for protecting our Post Office within Calcutta,

* At the end of 1815 and beginning of 1816, this crime increased to an alarming degree.

which should seem expedient; though no case of that sort has yet actually been brought before us.

Should the jurisdiction of Calcutta be extended into the country (and we are informed that such a measure was lately in contemplation), the ryots would soon want the protection of the statute 42 Geo. III. c. 67, against the stealing of growing crops; which should be confided to the Justices of the peace. The robbery of gardens is frequent.

Growing crops. [The gardens are now continually plundered, &c.]

I could extend this list much further.

The remedy for these and similar defects seems of two sorts:

Remedies suggested.

1st. To pass a general law extending all past statutes, from the 13 Geo. I. inclusive (in continuation of former provisions), and all future statutes of England, to this country; leaving to the Supreme court to exclude, by construction, such statutes or parts of statutes as may in their judgment appear to be of a character merely local for England, &c., and not applicable to the condition of India.*

1. To give us the stat. law from 13 Geo. I. in addition, except, &c.

Though this would seem to be giving a great latitude of discretion to the court, yet it is rather in sound than in sense, and is no more than was originally confided to it in respect to the statute law of England down to the 13th Geo. I., concerning which I have never heard any suggestion that the power had been abused, except in the application made of the capital offence of forgery, in a single instance, to the case of Nundcomar; and there the principal stress was laid on its application *ex post facto*. But it can rarely happen that any serious difficulty should occur in the exercise of such a discretion, confined to the negative power of rejection, which in common sense would be exercised whenever there was a serious doubt; and sure I am, that with the ordinary habits of caution belonging to every British Judge, more particularly in criminal matters, no serious mischief is to be apprehended, but rather a judicious selection is to be expected. At all events the power would be guarded by saving and excepting its application in every case against a positive statute made for the express purpose of binding India; which will secure all the particular provisions already given for our government, and provide for every future enactment for our separate use.

Saving.

2. The other remedy that I would propose is rather for the benefit of the native inhabitants of Calcutta; which is, to extend the power of legislation at present conferred upon the Governor-general in Council with the consent of the Supreme court, by enabling them to make general local laws, (such as in fact the Governor-general and Council alone have been accustomed to make for the Mofussil,) not merely confined to purposes of police, but extending to general objects, which would include laws affecting the native inhabitants in the points which in another paper I have suggested that they stand in need of, as well as in others which may occur.

2. To give a local general legislative power on the existing basis, subject to confirmation.

The necessary exceptions to such an enlarged power would be, that no laws should be made contrary to the duty of allegiance, nor contrary to any express law made or to be made by Parliament for the government of British India; and that the laws should be equal in all

Exceptions.

* I doubt if the court can exclude any part of the common or statute law of England from its application to colonies, provided there is a like subject matter to act upon as at home.—*E. H. E.*

matters of common concern between British and native subjects, for the common good, without favour or disparagement to either.

Confirmation. [This for the purpose of enabling any of the inhabitants to appeal, according to the provision of former laws.]

There may be this further check, that before any local law thus made should be put in force it should be published in the Government Gazette, once in the English and once in the Bengallee language, and should then be transmitted home (together with any appeal therefrom), to be approved by the King in Council; and if approved, remitted to this government, for the purpose of being put in force, after another similar publication made.

So much as to general legislation; but in addition to the particular statutes incidentally mentioned in illustration of the general deficiency, there are certain other particular provisions very expedient to be adopted by a new law.

New legislative provisions for the punishment of criminals.

1. To enable the court in all cases of felony, where by law they may now send the convicts to the common goal, to send them to the house of correction as well as to the common goal, for any time not exceeding two years*, and to adjudge them to hard labour and whipping, or to either of those, in the house of correction, or to hard labour alone in the common gaol; as also to empower the government to employ those who have been adjudged to hard labour in labouring upon any public works, in or out of doors, during the period for which they shall have been adjudged to be confined in either place.

2. To enable the court to send persons convicted of perjury, forgery, conspiracy, or cheats, or of assaults committed with infamy, or with atrocity and cruelty, either to the house of correction or to the common gaol, to be there punished in the manner above mentioned, for any period for which they may be now imprisoned in the common gaol, and subject to the like disposition of government as to labour, in or out of doors; providing that such offenders may be otherwise punished as before the passing of this law.

3. To give an option to the court, in all cases of transportable offences, whether by original sentence or commutation for capital punishment, to send the offender for the same or any less period to the common gaol or house of correction, there to be dealt with as above mentioned.

Precedent.

A provision somewhat analogous to this, in the case of transportable felonies and clergyable larcenies, is to be found in the statute 51 Geo. III. c. 63, as to Ireland, and in the statute 53 Geo. III. c. 162, as toEngland, but the provision thereby made is not sufficient for us.

Grounds of recommendation.

The grounds on which I have been led to form such recommendations are these. By the Act of the 53 Geo. III. c. 155, the court is restrained to transport native convicts within lat. 30 degrees N. and 25 degrees S. of the Line; as indeed by the statute 39 and 40 Geo. III. c. 79, they could not have been transported to New South Wales. The usual places to which they have been sent have been the island of Penang and Bencoolen on the coast of Sumatra. For some time we have been obliged to refrain from sending them to the former place; for so many of them had made money there by the high rate of labour, and bettered their condition, that after their term was expired

* At present felons cannot be sent to the house of correotion for less than six months.

they only came back for the purpose of carrying their families away to settle at Penang; and made such reports and display of the benefits of their transportation, and of their newly-acquired wealth, that some were induced, as it appeared to the police, to commit offences for the purpose of being transported to Penang. We have not yet found the same disposition for Bencoolen. But besides the expense of transportation, which is never for less time than seven years, it has appeared to the court that the sentencing of an offender to hard labour or other corporeal punishment at home, for the same or a less period, would in many instances answer better, as well for correction of the offender as for example sake, than the transporting him; and particularly if the labour might be performed out of doors (as it frequently is in the case of Mofussil convicts) as well as within, under the direction of government, which would not only be turning their labour to good public account, in the forwarding of public works, thereby enabling the convict to make some atonement to the state for his misconduct, but also in respect of the convict's own health, in regard to which this climate makes long-continued hard labour within doors very inconvenient, and sometimes oppressive.

But mere imprisonment without any labour at all is of very dubious effect, by way of correction or example, when applied to the lower orders here, who have commonly much apathy, and little inclination to any exertion which want or force does not compel. Most of these are better lodged and fed in some of our gaols than they would be at their own homes; and some have been known to petition to remain there after the term of their imprisonment was expired. They acquire in gaol a habit of idleness which is difficult afterwards to be relinquished, and leads to new offences. The objection which might be felt in England, from political considerations, to the view of convicts working openly in their shackles, does not apply to this country, particularly where the permission to work out of doors is in many parts the reward of good conduct in the gaol.

With respect to fraudulent misdemeanors, by which great gains are sometimes acquired, mere imprisonment in the common gaol does not weigh a feather in the balance against the success of the enterprize; and the misdemeanors committed with circumstances of infamy, or of atrocity and cruelty, are often more deserving of corporeal punishments than mere simple larcenies, though our technical distinctions class the latter in the higher denomination of felony. Hard labour would in most of these cases be beneficially added to imprisonment.

Police regulations, and extension of powers.

Another subject which calls for the immediate attention of government at home arises as well from the recent reformation of the police (a subject upon which I felt it my duty to address this government soon after my arrival here, in consequence of numerous complaints laid before the other Judges and myself respecting the arbitrary mode of administering the police functions), as from the late Act of the 53d of the King, appointing four sessions to be holden by the Supreme court in the year instead of two.

The Police Magistrates had fallen into the habit *(inter alia)* of punishing petty thefts and the like by a summary process of their own; the illegality of which mode of trial was the least objectionable part of the proceeding, the trial itself having been frequently conducted in a very hasty and imperfect manner. This arose principally from

the want of a sufficient number of Magistrates to perform the laborious but necessary duty of inquiry, amongst an immense population, addicted to theft and full of deceit. The evil was in part corrected, though not, I think, to the proper extent, for fear of trenching too much on public economy. The paper I gave in on that occasion is in the hands of this Government, and may be referred to if necessary. A by-law was passed to correct as far as possible the evils complained of; but there was no power in the constituted authorities on the spot to make bye-laws contrary to the laws of the realm, and consequently there was no power to transfer the trial of felonies from a jury in the Supreme court to the Police Magistrates. Two Magistrates, however, were authorised to inquire of and punish, in the mode prescribed by some of the Police Acts, in London, all offences of this tendency short of a plain felony. The Magistrates under the new commission have acted ably and efficiently up to the extent of their authority; but stopping short with that, they have referred all cases of felony to the trial by jury before the Supreme court; and this has necessarily swollen our calendars to a much greater degree in each of the four sessions (which came opportunely enough to meet the exigency) than had before occurred in the two annual sessions.

Complaints of grand and petty juries.

This has thrown a great additional burthen upon the grand and petty juries, whose longer and more frequent absence from their private concerns is felt very inconveniently by most of them, particularly of the latter description, who can but ill dispense with a continued watchfulness over their native servants.

Much discussion took place in the June sessions of 1815, amongst the grand jury, upon this subject; and they had drawn up some representations to government, which were seen, though no regular address was ever presented, upon an intimation that the subject was then under consideration, and would be brought forward. Having to charge the grand jury in the October sessions following, I touched upon the subject to them, and they then represented to me their wishes that some mode of relief could be adopted, which I promised should be made known to government at home, which was best able to judge of the propriety and extent of any alteration in the established course of law better accommodated to our local convenience.

It is not easy to draw a precise line which will sustain a great national principle, and yet bend to local convenience. Those who are fit to serve on petty juries are not very numerous in this place, and the turn comes round very frequently to the same person. This, with the climate and national habits, renders the duty more oppressive than it can be felt at home.

Suggestion of remedy.

If any relaxation can be admitted, consistently with the higher interest of the state, I know not where the line can be better drawn than this* (for it must in fairness and in policy be the same for the native as for the European British subject); to give to two Magistrates the power of trying all simple larcenies under capital felonies, and not attended with any circumstance of aggravation, directing them,

* If all Christian inhabitants conversant with the English language were liable to serve on juries, there would be less difficulty in this matter, and the court of quarter sessions which now exists might be put into a state of activity for the trial of petty felonies and misdemeanors.

in cases of capital or aggravated larcenies, to commit to the sessions for trial, and limiting their power of punishment to six months' imprisonment in the gaol or house of correction, to be punished or employed there, in or out of doors, in the manner I before suggested, under the controul of the government.

The like powers might be given to the Police Magistrates with respect to simple assaults.

In both cases an option might be given; to the prosecutor, to proceed by indictment before the Supreme court; and to the prisoner or defendant, before trial, to remove the complaint by certiorari from the jurisdiction of the Magistrates to the same court, upon depositing thirty sicca rupees (which is the lowest expense of preferring a common indictment for larceny before the grand jury, not including expenses of witnesses), to be paid over to the prosecutor, or to the Clerk of the Crown, when the bill is preferred. And if it were thought necessary (of which I am not aware,) a liberty of appeal might be given, even after trial before the Magistrates, to a Judge in chambers, within three days, on payment of the expense of copying the charge, evidence, and judgment, from the notes of the Magistrates returned by them; excluding all objections in point of form, and confining the objections to the intrinsic merits of the case, as it appeared on the evidence taken below; giving to the Judge power to examine the proceedings so returned in a summary manner, and to approve, mitigate, or abrogate the sentence, as to him shall appear to be just.

In the greater number of cases, this course of proceeding before the Magistrates would perhaps be better for the accused themselves, as it would save them much of the intermediate imprisonment in the intervals between session and session.

Extending limits of Calcutta.

I had prepared some grounds to lay before your Lordship for extending the limits of jurisdiction given to the Supreme court and Magistracy of Calcutta in certain cases; but it is now become unnecessary to detail them, as the Company's government has, I find, anticipated the necessity of the measure, and has procured an Act for that purpose.*

[See the papers respecting the Mofussil jurisdiction.]

The object in view at present by this government is properly of a limited kind; but the future extension into the provinces of the British system of law, as it is administered by the Supreme court, incorporated with the Hindoo and Mahometan civil codes in all their local peculiarities, as they respect themselves, in matters of real title, inheritance, succession, form of contract, marriage, adoption, and incidentally of caste, will no doubt be the greatest blessing that the British government can confer upon India. As to the properest times and modes of doing this the local government must necessarily have the best means of informing themselves, and judging. They will no doubt take care, under the new bill, not to oppress the Supreme court by overloading it with too much, particularly of criminal business, constituted as it is at present; though I will not deny that more use may be made of it, provided it may be relieved from the trial of petty offences in the manner before suggested. And if it should be thought expedient hereafter to extend the experiment of this jurisdiction to any

* This was the information I received at the time.

distant limit from Calcutta, it may be done gradually, so as to enable the Judges, as we humbly hope, to make such observations to this government as their experience may suggest to them. I have no hesitation in recommending the experiment, if it be done gradually, and accompanied, to a reasonable extent, with provisions for a more convenient division of labour in the juridical field, and for an addition of labourers when the burthen of the day shall be found too great for those already employed.

Foreign settlements.

There is another subject, which, though of a political nature, is closely connected with the judicial state of the British inhabitants of India, and of the general population of Calcutta. I mean those foreign colonies of the Dutch, Danes, and French, which are established upon the Hoogly branch of the Ganges, within short distances from Calcutta. They are aptly situated to become receptacles of felony and fraud from the neighbouring capital and territories; and in proportion as the British capital in India has been extending in population, commerce, and wealth, and those foreign establishments have decreased in opulence and in consequence to the several parent countries, the nuisance has been gradually increasing.

The parent states do not think it worth their cost to maintain independent and respectable judicial establishments in their deteriorated settlements, and therefore a principal source of emolument looked to by those who bear rule in them is rather, it should seem, to connive at the protection purchased by persons who, having committed offences, or withdrawing from the reach of their creditors in Calcutta, take refuge in these places, than to afford the facilities of justice to those who have been wronged. The Judges have frequent petitioners before them at chambers upon this subject, to whom they can of course give no redress. I have been even informed lately of threats held out by a debtor, that he would take refuge in one of those settlements if further advances were not made to him; and this, I am told, is not unfrequent.

During the late war, and while this government has had the military possession of those foreign colonies, the evil has been lessened in respect to criminals, by this government charging itself with the criminal administration of justice within their limits; but the civil courts were and still are left in the independent operation of their several national laws, though under the direction, nearly nominal, of a British subject; and when the factories are restored, even this faint check will be removed. The cession by the Dutch of Biriagore removes the evil from that spot, but leaves it in full force in the other places. What would become of judicial process in London, if France, Denmark, and Holland held Hounslow, Brentford, and Barnet in sovereignty, though Highgate was given up to the Crown of England?

I know not by what title the several parent countries of these foreign factories can affect to hold them in sovereignty. I should rather apprehend that the sovereignty was vested in the British government, which by conquest and by treaties has succeeded to the former Mussulman dominion. But if they still affect an exclusive possession, which the British government may not think it worth while to contest, they would probably have no difficulty in making arrangements with it for the mutual surrender of their criminals. But what redress can be obtained against fraudulent debtors escaping from one jurisdiction into

another, unless there are independent courts in each, well appointed and provided for, and filled by persons who have no interest in screening those defaulters from their injured creditors? These factories are in truth no longer of any real use to France, Denmark, or Holland. There is no one subject of theirs having common honesty and discernment who would not prefer carrying on his trade in Calcutta (as many of them do) under the protection of the British government. Nothing political remains of any of these settlements but the nuisance of them, if considered as independent jurisdictions, to the inhabitants of the British territories. They arrest the course of justice, and afford a shelter to knavery.

If the several foreign powers do not agree to maintain an efficient and well appointed judicial establishment, each in its own settlement, it should be proposed to them to withdraw their judicial establishments altogether and recognize the British courts; stipulating, if they please, that those courts should, in matters between their own European subjects only, judge according to their own laws, or unless the contrary should be stipulated for between the parties in writing, should judge according to the law of the defendant's country, of which evidence may be given as in other similar cases.

No. 2.

A Sketch of the State and Condition of the Native Population within the Jurisdiction of the Supreme Court in Calcutta, in respect to Laws and Usages; with Hints for ameliorating them.

Situation under the charter of 1774 and Acts of Parliament.

By the constitution of the Supreme court, under the King's charter and various Acts of Parliament, all the native inhabitants of Calcutta, Hindoos and Mussulmans, as well as British, are placed under the protection of the King's laws; saving to the two former those parts of their respective native codes which are essentially local in their nature; and since that period, the rapid rise of Calcutta, and the growth of its population from all parts of India, are, I believe, without example in the world, and are still proceeding with increased activity. This is some earnest of the real estimation by the native inhabitants of all the provinces for the system and administration of the British laws.

See the antecedent paper.

Reserving the state of the British inhabitants for a separate consideration, the present notice is confined to the original native inhabitants, and to such foreign settlers as have colonized among them.

Distinction between British and native subjects.

On a close observation and comparison of the several legislative provisions made for the government of India, it will be found that the statutes, speaking in particular of British subjects, or of the subjects of his Majesty, use those terms in contradistinction to native inhabitants; although in strictness of law all the native inhabitants within the Company's territories are subjects of his Majesty, and therefore in an enlarged sense might be considered to be British subjects, in like manner as a native of Ireland, even before the parliamentary union, was as much a British subject as a native of Great Britain;

that is, they are native subjects of the British King and Crown, though under different administrations of government, holding authority under the same prince. And this, which could never have been seriously questioned after the supremacy of the King of Delhi became purely nominal, is now put beyond all doubt by the formal declaration of the legislature in the Act of the 53d Geo. III. c. 155, which asserts the undoubted sovereignty of the Crown over the Indian territories. And it may be relied on that the native inhabitants in general, but more particularly the Hindoos of all ranks, are proud of this distinction, and zealous for its full extension to them.

Inhabitants of Calcutta subject to British laws; saving local laws of Gentoos and Mussulmans.

The distinction, however, which is adverted to, has been made for judicial purposes throughout this class of statutes by which the administrations of the Supreme court is governed. When therefore the statute 21 Geo III. c. 70, defining anew the jurisdiction of this court, establishes it generally over all the inhabitants of Calcutta, (including of course every description of persons inhabiting it,) the 17th section provides that the inheritance and succession to lands, rents, and goods, and all matters of contract and dealing, between Mahometans, shall be determined by their own laws and usages, and the like between Gentoos; and when only one of the parties shall be a Mahometan or Gentoo, by the laws and usages of the defendant.* In all other respects these, and in every respect the other inhabitants of Calcutta, are placed under the same laws of England which govern British subjects in the same place, with certain exceptions hereafter noticed.

Different descriptions of inhabitants.

The inhabitants of Calcutta may, for judicial purposes, be classed into—

1. British European subjects and their legitimate descendants.
2. Hindoos or Gentoos.
3. Mussulmans.
4. Other proper natives of Asia, neither Hindoos, Mussulmans, nor Christians.
5. Portuguese, Armenian, and other Christians of native or foreign extraction, together with half-caste or illegitimate Christian children of British subjects by native mothers.

British Europeans.

1. The situation of the first class is separately treated of in another paper.

Hindoos and Mussulmans.

2 & 3. The Gentoos (more commonly called Hindoos) and the Mussulmans of the British dominion in India may for this purpose be classed together. They are each to be governed, as the statute 21 Geo. III. c. 70, enjoins, by their own laws of inheritance, succession, and contract, respectively, as between themselves. But many of these laws, formed in rude times, are imperfectly adapted to the modern growth of arts, knowledge, and civilization around them. The men and their manners have undergone more alteration than is generally suspected; but the laws, though construed as favourably as possible to meet this change, still remain in substance the same. Both codes, particularly the Hindoo, have multifarious rules enough; but almost every one has its contrarient constructions and its convenient loopholes for the strong and crafty to escape through, with as many avowed diversities as there are provinces. This leads to endless uncertainty and litigation.

A small portion of this evil in civil and a much greater in criminal

* Papers No. 3, On Mofussil Laws, &c., as to the peculiar local laws.

matters has been mitigated in the provinces, where the government has continued to exercise a legislative power, though cautiously exerted, to correct abuses and to supply defects, when flagrant, especially in matters connected with revenue or police. But ever since the appointment of the Supreme court, and indeed I believe I might say ever since the institution of its predecessor, the Mayor's court, in Calcutta, the Hindoo and Mussulman civil codes have been stationary, and submitted to no improvement within the local limits, except such as was capable of being introduced by construction, under conflicting or silent authorities. Their criminal codes were entirely laid aside in the first instance.

Proposal as to internal power of legislation.

I should propose that the local government, with the sanction of the Supreme court, should at least have the power to extend any new laws into Calcutta, with or without modifications, as parts of the Hindoo or Mussulman codes, which the government may have found it expedient to adopt in the Mofussil. What would be thought of governing the people of Great Britain at this day by the laws of the Heptarchy?

Suggestions of particular laws. Wills.

Added to this, the Hindoos have insensibly adopted some of our laws, without any authority except the sanction of the Supreme court, giving effect to their acts. For instance, they now very generally dispose of their property by will; but the Supreme court being restrained to give probate of wills and grant administration of the effects of British subjects only (in the confined sense before noticed)*, and the Hindoos having no place of deposit, like our ecclesiastical court, for the safe custody of their wills, there are numberless temptations to forgery, and ample time for the fabrication, according to circumstances. The executors are under no obligation to deliver schedules of the personal property upon oath, or accounts of their receipts, by which their fidelity may at any time be brought to the test, if necessary, except by the burthensome process of a suit in equity, which can seldom occur in time to have the desired full effect, nor without a previous dispute among the spoliators for a division of the spoil, and the expence of which can only be borne by an estate of a certain magnitude; consequently women, infants, and absentees, have no adequate check upon such administrators of their properties, whom it is now extremely difficult to fix with the possession of personal and sometimes even of landed property at any distance of time, so many ingenious devices have they for covering such possession in other men's name. And in all instances the parties injured run great hazard in substantiating their claims, when all the documentary proofs are in the hands of their spoliators.

Many of the most sensible Hindoos with whom I have conversed on the subject, deplore this deficiency; and in a late instance, where the government had reasonably refused to pay money to one who claimed to be the representative of a deceased Hindoo entitled to it, without assurance of his representative character, I could devise no better method, in justice to both parties, than to admit him, at his own request, to deposit the will, as in registry, with the Registrar of the Supreme court on the ecclesiastical side, and to administer a voluntary oath, at the Hindoo executor's request, verifying the will, and

* Vide Charter of 1774, s. 22.—Q. if the charter of the Mayor's court in 1726 was so confined?

his own representative character.* But by way of precaution, and that no person might be misled by it to attribute a greater authority than belonged to such an act, I directed the Registrar to draw up the verification in writing, which was to be given to the party by way of memorial of his claim, as having been made voluntarily, and noting that the will was not registered, but voluntarily deposited as in registry. Regular authority, however, is clearly wanting to authenticate, and still more to establish the duty of registering Hindoo and Mussulman wills, for purposes of property. Something of this kind already exists in the Mofussil.

Marriages, divorces, and separation. [This must be understood in regard to the inferior classes.]

The Mussulmans feel the want at times of a jurisdiction for the direct cognizance of their marriages, divorces, and separation, which have been heretofore dealt with, for want of a better authority, in a very arbitrary manner, by some of the police magistrates. The Hindoo customs seldom or ever give rise to such questions; or if these do arise, they are for the most part settled *in foro domestico;* though I have known attempts to enforce separation on the part of Hindoo women by their parents and friends. The Judges are often solicited at chambers, particularly by Mussulmans, to exercise this kind of jurisdiction, but know not by what authority it can be assumed; and I have therefore only interfered, and that but rarely, either as a mediator, or by referring such questions to the Cazies, who repudiate any express authority in themselves, except as referees by consent of parties, having no means of enforcing obedience to their judgments. The head Cazi in particular saying, upon my application to him for information, that the power of divorce and separation properly belongs only to the chief magistrate of the state, and is not exerciseable by inferior magistrates. A Mussulman of high rank informed me that he considered the authority of enforcing those judgments as necessarily forming part of the supreme power of the state. But in truth it would be dangerous and impolitic to give any of the Mussulmans judicial power, without British controul; it would soon be made an engine of barter. The Hindoo, I fear, is remediless, on account of the rules of caste.

Interest of money.

The British statute law of Queen Ann, limiting the rate of interest to £5 per cent., and inflicting penalties on usury, does not apply to this place, being founded on local considerations at home; and the statute 13 Geo. III. c. 63, s. 30, only restrains British subjects from taking more than £12 per cent. But this does not extend to Hindoos; and as these latter were not originally restrained in their contracts to any certain rate of interest, and their contracts are saved as between themselves by the 17th clause of the statute 21 Geo. III. c. 70, before mentioned, the door was consequently left open to excessive usury on their part. Nothing, however, can be more absurd and unjust than to enable natives to take a higher rate of interest from British subjects than the latter may take from them.

This evil, with respect to the provinces at large, has been provided against by a modern regulation of the government, restricting interest on loans to be taken by natives to £12 per cent.; but as that regulation does not extend into Calcutta, (as being within the exclusive pale

* We have since permitted the Hindoos to take probate of wills and letters of administration at their own free will, but do not hold it necessary for them in order to give title.

of the British jurisdiction, and under a distinct legislating power,) the usurious native of the capital is left without any other restraint than one which perhaps in strictness cannot be justified, that where resort is had to the process of the Supreme court to enforce money contracts, it has not allowed more than £12 per cent. in any case to be recovered, as being against conscience and oppressive. And I found that in very flagrant cases of oppressive interest beyond £12 per cent. the court had disallowed interest altogether, though expressly reserved; which seems to be going far.*

The interest which the court allows (thence called court interest,) where no express rate is stipulated for, was £10 per cent. We reduced it to £6 per cent. in 1821.

The remedy, however, afforded by the court can only be given to the oppressed, if he be rich enough to contest the payment of more than £12 per cent. and drive the usurer to his action; and unless the amount is considerable, he must probably be a loser upon the balance against the costs of the action, or at least his own costs. It is notorious that the common people of Calcutta universally pay more than £12 per cent. for their loans; in general nearly double, and frequently still more, under various pretences. The rate of interest in the native capitals of India is ordinarily above £12 per cent., and often from £20 to £25, on account of the insecurity of the principal.

It is no doubt politic to permit a higher rate of interest at Calcutta than is allowed in England, in order to draw the monied natives of India (who live for the most part on the interest of their capitals) into Calcutta, where it is employed in aid of British trade and enterprize, and of the government itself, on pressing occasions: and also for the sake of those British subjects holding office here, who look to a return home, after a moderate number of years, on the savings of their salaries, placed out at interest in the mean time. But I can see no manner of objection to the same rule of interest, not exceeding £12 per cent., being established in the metropolis, which the government has thought proper to affix as the limit to the natives in the provinces, and to which the British subject is confined; and justice requires that it should be done. Remedy.

With respect to caste, although many wrongs are committed on this account, or under this pretext, principally with a view to decoy young women from their husbands, or to extort money; and although the Judges are frequently applied to at chambers for redress by the inferior classes, and have sometimes interfered in flagrant cases, by way of advice and recommendation to the parties themselves, or by reference to the police, where the attempts have been mingled with breaches of the peace; yet, after the fullest consideration I can give to this difficult subject in its political and moral bearings, the best mode of treating it appears to be *in foro domestico*, to which it should be left, though the Judges and Magistrates will still hear of it extra-judicially in cases of gross abuse. Rules have been promulgated, giving direct cognizance of matters of caste to the Mofussil courts; but, as I am informed, with little judicial result, and that little not of an encoura- Caste.

* In a case which occurred subsequently to the observations here made, the court thought they were bound to give £12 per cent. interest, as it was reserved by the contract, though the contract itself was founded on an usurious consideration by the English law.

ging nature. Connected indeed with conspiracy, assault, or the like, caste is properly cognizable, even in the Supreme court; but there the abuse of it is connected with crime.*

It is become quite a matter of course amongst the inferior classes, and is gradually spreading upwards, where a native has lost caste, to repurchase his admission for a moderate sum. This is one of the seeds of the destruction of caste. The purchase is made amongst the lowest classes for eight or ten rupees; for a man of some substance, about 100 rupees; for a Brahmin of good rank, in fair circumstances, about 1,000 rupees; under particular circumstances, and by very wealthy men, 20,000 rupees, or more, have been formerly paid; but the price is more likely to be lowered from time to time as the institution becomes more lax. There is, however, a current notion that nothing can recover the original pure Brahmin caste of a Peer-Ally-Brahmin, now a numerous and money-getting body, who formerly lost caste by some contamination under the Mussulman government, which to this hour the Hindoos most cordially detest. The Hindoos have a common tradition among them, that all men will ultimately be of one caste.

Hindoo minors.

A Hindoo minor attains his full age, and the entire possession of his property, at sixteen. It is easy to believe, and the fact is notorious, that at this early age the possession of wealth within his immediate power of disposal attracts about him a swarm of necessitous and greedy dependents and profligate associates, bent upon the spoliation and waste of his substance. The government long ago became conscious of this evil, and have, I believe, in part rectified it, by a regulation extending the period of minority to eighteen in the Mofussil; but in Calcutta the old rule remains in force. This always appeared to me a grievous defect.

Sale of infants' property for necessary subsistence, &c.

By the Hindoo law, in cases of necessity, for subsistence of the family, for marriage portions for daughters, and also for srâd ceremonies on the death of parents, &c., and for other religious purposes, the ancestorial property of infants may be disposed of, either by the eldest brother of an undivided Hindoo family, when of age, or in the infancy of all the brothers, by their mother, or others of the family *in loco parentis*; and, as some of the authorities say, even by a servant or friendly stranger to their blood.

There is no more frequent source of litigation amongst the inferior and poorer classes than this. In a country where there is no public provision for the maintenance of the poor, (one of the noblest attributes of England,)† this power seems to be founded in necessity. But the due exercise of it, resting as it must do upon local and contemporaneous facts *dehors* the title itself, is very difficult either to be proved on the one hand, or controverted on the other, at the distance of a few years, when only it is ever likely to be questioned; and whenever there is a suspicion that the power has been unduly exercised, the contest generally involves in ruin either an innocent purchaser or the helpless infant.

Remedy.

For the sake of both of these, it would be desirable that the existence of the necessity, especially in cases of small property, should be

* I have not for several years heard of any question about caste at chambers,—January 1822.

† I still think so as to the law itself of Elizabeth, though much abused in practice.

established in the first instance before some proper officer, (perhaps one of the police magistrates in Calcutta, or a provincial magistrate in the mofussil, would be the best,)* who should be authorized to inquire of it, and without whose fiat no title should be conveyed to a purchaser so as to bind the infant, and with whose fiat the purchaser's title should be secure, unless upon proof of his fraudulent connivance with the real vendor; for the signature of the infant is always obtained without fail.

The Judges of the Supreme court have always been accustomed to receive and hear pauper petitions at chambers; a practice irregular indeed (there being no cause in court), but highly beneficial to the inferior classes, to preserve them from the plunder and oppression of their greater neighbours, both native and British, but particularly the former; and instances are said to have occurred heretofore of summonses and summary decrees of the Judges having been enforced by imprisonment and other irregular methods, no longer, if ever, practised. These complaints, though preferred as pauper petitions, are very frequently preferred by persons far removed from real pauperism, to avoid the expence of litigation. Pauper petitions.

The course which I have pursued is this. Having received a petition in writing from the complainant, I shortly examine him, *ore tenus*, as to the grounds of it, in order to ascertain the probability of them, and to supply any defects or correct any errors or inconsistencies apparent upon the face of the petition, which is often drawn up by inexperienced persons; and I take a note of his answers on the petition. This serves as a future check. If no probable ground be laid, or if the complaint be stale, and its staleness not satisfactorily accounted for according to the subject matter; or if it turn out that the complaint has been before heard and determined upon a former petition to a Judge, in this or in any subsequent stage of the inquiry, the petition of course is dismissed.

If the petition be entertained, a summons issues to the defendant to appear on a given day; (and this is perhaps the most objectionable part of the proceeding, that a Judge should issue a summons without authority, and without legal means to enforce the attendance required, there being no cause in court.)† If the defendant do not attend on the summons, I proceed no further, but refer the petition to the consideration of the paupers' attorney (an officer appointed by the court), whose duty it is to examine the cause of complaint, to hear the party's witnesses, (and, as it may be, to consult the pauper's counsel on matters of law,) and thereupon to report shortly to the Judge that the party has or has not a good probable ground of action; and also whether he is a pauper, the criterion of which is, that he is

* Since writing this I have referred some cases at chambers to the pundits, to inquire into the necessity, in the first instance, when it was stated to arise from debts contracted by the deceased owner, and to authenticate the depositions of the witnesses before a magistrate. This experiment is still in train.

† Query, if a power to summon without writ might not be confided to a single Judge, reserving to the party summoned the option of declining the summary jurisdiction altogether, and driving the complainant to his regular remedy at law or in equity? On this latter ground only would I recommend it here, on these pauper petitions presented to the Judge at chambers.

not worth above 100 rupees, besides his bed and wearing apparel. If the report be in the negative on either ground, the petition is dismissed; if affirmatively, the judge admits the petitioner to sue *in formâ pauperis;* and then, if the defendant do not agree to refer the cause to some proper person, when required by the pauper's attorney, (for which the defendant himself may also petition the Judge,) or if it be of a nature unfit for reference, the suit proceeds in regular course.

If the defendant obey the summons and appear, I question him upon the several grounds of the plaintiff's petition, in order to ascertain what are the real points of difference between them; noting down the substance at least of his answers. This is a sort of pleading *ore tenus,* till from the several answers of both parties in presence of each other they are brought to one or more distinct issues, which I write down, and communicate to them; and if they agree upon the facts, and the difference is on matter only of law, the assistance of the Pundit or the Moulive, as it affects Hindoos or Mussulmans, is called in, and their answer sometimes decides the case. If the difference be, as it more frequently is, on matters of fact, it is inquired of them whether they agree to refer the decision to any arbitrator of their own choosing. If the defendant acquiesce, then, unless it is a very difficult or complicated question, I should not assist the plaintiff with the aid of paupers' establishment, in preference to arbitration. If the matter be referred, it is settled in that way. If the defendant decline a reference, the petition is then referred to the paupers' attorney, to inquire more regularly of the facts, and report as before; or it may be first submitted on the matter of law to the paupers' counsel.

But it not unfrequently happens, that on the discussion before the Judge himself the parties come to an agreement to do such and such things; and the defect of this mode of adjudication is, that there is no method of compelling the observance, if either should afterwards swerve from his agreement.

Remedy.

I think therefore that it would be useful to enable the Judge, in such a case, to direct a note to be taken of any agreement of the parties before him, and to make it a rule of court, to be enforced by attachment.

I should see no objection to giving the Judge a power to administer, if he thought fit, an oath to such parties as voluntarily offered themselves to be examined upon a summons. The statute 41 Geo. III. c. 105, goes further, and authorizes Judges, to whom certain petitions are referred in order to ground proceedings in parliament, to examine witnesses on oath.

These are some of the principal emendations most generally called for, as far as my own experience in such matters has gone; but other inconveniences occur from time to time which require to be remedied. As to the best mode of applying the remedy, I refer to the general observations before submitted in another paper, relative to the state of the British population, so far as they are applicable.

Vide No. I.

Natives of India other than Hindoos, Mussulmans, and Christians.

4. There are natives of India in Calcutta, neither Gentoos, so called in the charter, (if by that term be meant native Hindoos of the Gentoo religion, who alone, in common acceptation, are here called Hindoos, in contradistinction to Mahometans,) nor Mussulmans, nor Christians, whose legal condition is next to be considered. The Supreme court, in addition to the British, which is their general text

law, is directed to take cognizance only of the Gentoo and Mussulman codes, as established among the native subjects. Hence, when questions have arisen concerning the laws of marriage, adoption, title, inheritance, and succession, as practised by others than Hindoos or Mussulmans within the British territories, there has been great difficulty and uncertainty in dealing with them.

Since I have been here, questions have arisen concerning the inheritance and succession of sikhs in Calcutta, depending on the questions of marriage and adoption, the forms of which are different from those of the Hindoos in general; yet in that instance the difficulty was gotten over, by considering the sikhs as a sect of Gentoos or Hindoos, of whom they were a dissenting branch. Sikhs.

The case of Birmans and Avanese, who are Bhuddists and foreigners to Hindoostan, though approximating to the Gentoo faith, would be more difficult. Birmans, &c.

But what shall be said to the Parsees and Chinese, the former of whom are beginning to spread to Calcutta from Bombay, and the latter are already become very numerous here, and are yearly increasing? What to the Javanese and others, all of whom are aliens to the Hindoo code, established in British India? Parsees. Chinese. Javanese.

With respect to the title of land, it must follow the local law of the country, in whosesoever hands it is. If the person last seised of real property within the local jurisdiction of the Supreme court be not a Gentoo, by which is understood here a Hindoo of the common superstition, or a Mussulman, we can only recognize and apply to him the British rules of inheritance and succession; and in this there seems to be no inconvenience, for the owner may always vary the distribution by his will. But what is to be done with the adoption and marriage and divorce of foreigners? The law of adoption has ever been local and special since nations have ceased to be migratory. The ceremony of marriage, also, is a local law throughout the world. If a marriage be contracted within the pale of the British laws, by a form not recognized either by the British, Hindoo, or Mussulman code, how is it to be recognized as conveying claims to property, for we have no authority to go by any other codes? The Hindoo code, indeed, allows of all marriages and adoptions of strangers domiciled amongst them, according to their own several national forms; but the Supreme court has only authority to administer Hindoo law as between Hindoos, not as between strangers. Inheritance and succession of foreigners settled governed by local laws. Q. Adoption, &c

The fashions of the several races of strangers domiciled here are too fixed to bend readily to local customs; and the main question will be, whether the British Government is desirous, by a public recognition of their several domestic customs of marriage, divorce, and adoption, amongst themselves, to encourage these foreign settlers in Calcutta, as the great mart of Asia, and thereby forming a link of commercial connection with their respective countries. Each of these knots of settlers herd together, and are continually increasing, particularly the Chinese, most of whom are now stationary.

The Arabs, who are also numerous as Mussulmans, though foreigners, are within the letter at least of our legal provisions. Of these, the Wahabees would seem to be only a sect. Arabs.

We have also a few Jews, who have probably, like their brethren in England, some private bond of conscience, by which all questions Jews.

concerning their domestic relations are settled *in foro domestico*: for we never hear of them in court, except sometimes as hired bail, so true are they to this calling in different parts of the world.

Portuguese and other Christians of native or foreign extraction and half-castes.

5. The Portuguese, Armenian, and other Christians of native or foreign extraction, together with the half-caste or illegitimate Christian children of British fathers by native women, form a very considerable and important class, which for several purposes is out of the pale of the British laws, though not within the Hindoo or Mussulman rule.

How distinguished from European British subjects.

In framing statutes for British India, the legislature seems only to have had in view three descriptions of persons; British European subjects, with their legitimate descendants, and the Hindoo (or Gentoo) and Mahometan natives of India. Throughout these laws, British subjects and subjects of his Majesty are terms used in contradistinction to native inhabitants; and it is only under the description of inhabitants of Calcutta that the Supreme court now exercises any direct jurisdiction over the persons of whom I am immediately treating.*

Portuguese Armenians.

If a native Portuguese or Armenian Christian have his dwelling beyond the Mahratta Ditch, and commit a felony, he must be tried by the Mofussil Judge; but by what code of law I am unadvised. Such persons have not for many years served upon a jury in Calcutta; but previous to the year 1780, Portuguese Catholics, as I am informed, did serve upon juries, and a gentleman of that description now living tells me that he has done so. When sued in the Mofussil courts, none of these persons can appeal under the late Act of 53 Geo. III. c. 155, the right of appeal being confined to British subjects in the sense I have stated.

This is not so much felt by the Armenians in general, who being in part an eastern people in their habits and manners, (with the exception of a few principal persons here, who have altogether adopted the European costume and manner life) are little troubled about their comparison with the British, though far from indifferent to it, and all of whom are respectable for their integrity. But with respect to settlers of Portuguese extraction, several generations of whom have been born and bred under the British government, and some of whom have latterly been educated in England, many of them men of wealth and liberal education, they necessarily feel their want of political consideration in these matters. A few of the Portuguese are Protestants. For the rest, if their Roman-catholicism were not thought to be an obstacle to their sitting upon juries before 1780, it is not obvious why it should be so now. But I rather attribute the disuse of summoning them from that time to the construction which was put on the term British subjects in the charter of 1774. The present depressed condition, however, of the mass of the native Christians of Portuguese extraction, or those who pass for such, would practically operate to exclude most of them from the panel. Many used formerly to be employed as clerks in the offices of government, and of the principal merchants and agents; but of late years they have been superseded for the most

* The court at Madras have lately doubted whether they could try a German soldier who had been 30 years in the King's service, in a British regiment, and had taken the oath of allegiance. But this is now, I believe, provided for in the Mutiny Act.

part by the more ductile Hindoo sircars or writers, whose labours are cheaper, and they have consequently fallen into great depression and poverty. They are still, however, a numerous body, partially mixed in blood with the Hindoos, and though ill-educated in general, many meritorious individuals are to be met with amongst them.

Half-castes.

The illegitimate offspring of British fathers by native women, usually denominated Half-castes, are not the least numerous class here, and are daily increasing and thriving. Some of these having been educated at home as gentlemen, and others having received the best education this country affords, can but ill brook their exclusion from British privileges, and in particular from the jury box. Many persons I know, with whose judgment my own accords, think that the true policy of government lies in making these and all the other persons of whom I am now treating essentially British; and it is in deference only to other feelings, still prevalent, but giving way, that I refrain from recommending the entire and immediate measure. But in order not to nourish and increase a spirit of inveteracy, by shutting the door to individual merit, and for the purpose of letting in and making your own the most deserving at least of this numerous class to share the privilege and the burthen of the jury service without creating any public sensation, and while our own juries are complaining much of the increased burthen thrown upon them in consequence of the sessions being holden four times in the year, their numbers being comparatively few, it might be an experiment worth trying, to empower the local government to admit so many individuals, or such classes, of this description, as it should deem most fit and worthy, into the roll of British subjects liable to serve on juries, out of whom the sheriff should be enabled to return the panels as usual.

[*Sed quære*, whether the sheriff would not as well attend to a proper selection, without an invidious interference of government.]

I throw out this hint for consideration, even upon a more extended scale, at a future time, as circumstances shall point out.

Condition of native Christians.

It is worth while to consider in what condition these persons are, if they be not British subjects. They are native born, and cannot upon any common principle of justice be debarred from colonizing in their native and only country. What is their law of inheritance, or succession, or marriage, out of the precincts of Calcutta? Can the Hindoo or Mussulman law be administered to them as Christians? The attention of government is seriously called to this subject, which every day may bring into open legal discussion. Though the general question of colonization of British subjects in India should be regarded in the same light of national policy now as it was before the East-India trade was thrown open, to the monopoly of which it seemed to bear closest affinity; and though measures were now in train for assimilating to the British government, or satisfying the nascent influence and ambition of the great landed proprietors who are growing up, under the permanent settlement, without any counterpoise of British territorial power or of British influence, except that of office, every day sinking in relative wealth; still the condition of these persons, as the only links in the chain of popular connection, will deserve more consideration. Nor does the difficulty rest here.

[That measure, sound in principle, seems to have been too hastily executed; but it demands more extended consideration than can be given to it here.]

While pursuing my inquiries with a view to this subject, I received information of a fact curious in itself, and leading to important reflections. A gentleman of large property and great personal respectability, always considered here as of Portuguese extraction, gave me this

Hindoo converts. account of his family, that they came originally from Bacien, lying to the northward of Bombay, and were Hindoos of the Brahmin caste. How converted, whether by the sword of the Portuguese or otherwise, he could not say. One of his ancestors took the Portuguese name which he now bears, in consequence of the Portuguese general of that name standing godfather to that ancestor at his christening. When the Portuguese lost possession of the island of Bacien, the family, then bearing their Portuguese name, retired to Bombay, at which place the present gentleman was born. His family is and always has been essentially Hindoo, and natives of this country, though long since become Christian. He himself was born within the allegiance of the King, and knows no other sovereign. He is an entire stranger to Portugal, though bearing a Portuguese name, which commenced in the manner described, and has been conveniently continued for purposes of trade. The family connections, however, with Hindoos have been all along continued, and are still preserved, as far as the difference of faith has permitted.

Look at the condition of this gentleman (which may be the secret condition of many others,) and compare it with the British laws in general, and with the construction of them which has hitherto held at home, and then say why he should not be deemed to be a British subject, as he claims to be; and whether, as the British laws framed for India are now and always have been understood, there is not great difficulty in treating him either as a Hindoo or as a British subject in regard to his legal relations here, or indeed in saying under what legal relation he stands here. He cannot be an alien in his own native country, and in that of his ancestors.

Take another instance. Suppose a Brahmin to reject idolatry, and declare himself a Unitarian, and such an instance has occurred, but still he says he will not do any thing willingly to forfeit his caste, considering it probably as the nobility of his country, which he is desirous to preserve; and therefore declines eating, &c. with us, though he invites company to his house and sits at the table with them.* Before he made public declaration of his faith, he consulted, as it is said, upon this point of caste with his family, and with forty others of the principal and most respectable of his neighbours and friends, who promised to uphold and continue their association with him; and he added, that if the other Brahmins were satisfied with this, he should take no further steps to sever himself from them, or to influence others, who, in case of extremity, would, he thinks, follow him in his entire separation, to a considerable number.†

This is a novel attempt, and if successful, which remains yet to be proved, may be followed by important consequences. A Brahmin certainly regards his string, independently of religious motives, as conferring worldly distinction upon him: it is a mark of high descent, to which he naturally clings. In proportion as this feeling gains strength and encouragement, the other feeling will abate, and be melted down.

* All the principal Hindoos now invite English gentlemen to entertainments at their houses, and furnish their table with cakes, &c., fruit, and wine, but do not partake themselves of it.

† The same person has published an address to his countrymen, for the purpose of proving that idolatry formed no part of their ancient faith.

What is the legal condition of this last-mentioned personage? The distinction he is attempting to establish seems, if he succeed, to leave him essentially Hindoo as to customs and laws, respecting himself and his own rights, and so far it differs from the antecedent case. But it is certain that great difficulties must hereafter arise in the civil relations of a professed convert to Christianity. Could such a person maintain a lawful plurality of wives, on which the legality of his issue, on a question of inheritance, must depend, particularly in case of a subsequent marriage, depending as it does on the legality of the marriage rite, which the Hindoo law (though it recognizes the marriage of a stranger according to his own national form) has not yet recognized as between Hindoos, if not performed according to its own rite?* Is such a person to be deemed a Hindoo in point of law for one purpose and not for another? His will could not be proved in the Supreme court, which can only grant probate of the will of a British subject, as elsewhere explained. Would the Pundits consider a professed Christian convert from their faith as a Gentoo for any purpose? Or is he to lose the benefit of the one code without acquiring that of the other?

I submit to the consideration of Government, that their protecting hand should be so far extended to persons of this and the like description, as to make provision that no native of India shall forfeit any rights of property or personal benefit, on account of his profession of any particular faith or doctrine, which he would be entitled to and claimed by any law of title, grant, inheritance, or succession established in India, which was binding on the person or persons last seised or possessed, or on those from or through whom they claimed; and recognizing the marriages of all descriptions of persons in the several forms acknowledged and practised according to each faith, and giving probate of the wills and administration of the effects of all Christians within the jurisdiction of the Supreme Court.† [Perhaps this had better be left to the gradual construction of the courts.]

This, with the general or with the special power before proposed respecting the admissibility of Christians in general to serve on juries, would smooth most of the difficulties that are prominent in the moral and judicial native horizon.

But it must be observed, that so long as a British subject, in the sense before mentioned, is prohibited from acquiring land in this country, it must be injurious to any person of native extraction to be declared generally a British subject, unless an exception be made in this respect in favour of native-born subjects in their own proper country.

Points of immediate necessity.

At all events, there are two points to which the immediate attention of Government is called for the whole of this fifth class of persons, if it should not be thought more politic and advisable at once to declare them British subjects, saving to them the right of holding land, as native-born, and of not being sent to England for trial, &c.

* The Pundits say, that there are eight principal forms of marriage used among them; but in giving their opinion in the case of a sikh marriage, they said that they considered the contract as the essential part, and the ceremonial part as mere form, to give solemnity and notoriety to the contract.

† This is independent of the suggestion in another place, as to the wills, &c. of Hindoos and Mussulmans.

Probate of wills and administration.

The one is to enable the Supreme court to grant probate of their wills and letters of administration of their intestates' effects. By the 22d clause of the King's Charter of 1774, the power of granting probate and administration is expressly confined to British subjects only, and extends not even to inhabitants of Calcutta; and these Christian natives (other than such as are born of British parents in lawful wedlock) are not deemed to be British subjects, as I have had occasion to remark, within the special national sense of the charter and of the several Acts of Parliament. However, many of them may have been in the habit of applying, for this purpose, to the ecclesiastical side of the court, which has passed *sub silentio*. It must at least be admitted that there is great doubt upon the subject. The inconvenience of this is too obvious to be insisted upon, in case any dispute should arise upon the grant of administration to such a person, particularly if the question arose in any foreign court. This power ought therefore to be supplied without delay with a retrospective clause confirmatory of passed Acts, even if it might not be done by a declaratory law; for certainly their exclusion could never have been contemplated. And if it were thought proper to put all this class of persons at once upon the footing of British subjects in all respects, if born within the British dominions in India, it might be done by a general declaratory law, that all persons born within the British dominions in India, and domiciled in Calcutta, being Christians, have been, and shall, so long as they are thus domiciled, be deemed to all intents and purposes to be British subjects within the meaning of the Charter of 1774, and of the several Acts of Parliament passed for the regulation and government of the British dominions in India; saving to them all rights of holding land as native-born subjects, and exempting them from being sent to Great Britain as unlicensed persons, &c. or by way of trial and punishment.

Declaratory law. Nota.

This provision is exclusive of the observations elsewhere submitted as to native Hindoos, Mahometans, and others, within the local jurisdiction of the Supreme court.

Contracts for trial by the Supreme court.

The other point for present consideration is, that these Christians of native or foreign families settled here, and half-castes, cannot for the same reason avail themselves of one of the most beneficial clauses in the Charter of the Supreme court, without which few can dare to enter into contract with any native or foreigner living beyond the jurisdiction of the Supreme court. The 13th clause states that the court shall have power and jurisdiction to determine all such causes, &c. against every other person or persons whatsoever, inhabitants of India, residing in the said provinces, &c. of Bengal, &c. upon any contract or agreement in writing entered into by any of the said inhabitants with any of his Majesty's subjects,* exceeding 500 rupees, when such inhabitants shall have agreed in the said contract, that in case of dispute the matter shall be determined in the said Supreme court. Instances have occurred where, for want of an extension of the privilege, Portuguese and other permanent Christian settlers of great respectability, having had dealings with natives or foreigners upon the strength of their entering into written contracts to answer for any breaches of their engagements in the Supreme court, have been ousted of their remedy by the swindlers withdrawing

[No person by his private contract can give jurisdiction to a court which has it not by law.]

* This is one instance where the term "His Majesty's subjects" is used in contradistinction to the inhabitants of India generally.

themselves out of the local jurisdiction of the court as soon as they had obtained their money or goods, and setting them at defiance. It may be said that the creditors have a remedy in the Provincial courts; but such is the state of business in those courts, the uncertainty of the system of law, and the delay and vexation of a protracted attendance, that many persons prefer to abandon their just demands rather than pursue them there; an evil which must naturally increase with the increasing population of the Indo-British dominions, and is much aggravated by the accumulated arrear of causes in most of those courts.

No. 3.

First Part of the Reform of the Mofussil Laws.

The defects in the present administration of justice throughout the British provinces of India arise as well from the system of law itself as from the mode of administering it. *Defects of justice.*

When the Mussulmans conquered Hindustan, in order to secure and strengthen their conquest, they wisely established, having power to do it, their own courts of justice, with laws, whether of Mussulman or Hindoo origin, to be administered in their own language, which was the Persian. As they acquired proselytes amongst the Hindoos, the Hindoo code, still preserved by the conquered, naturally crept into their courts again, or was partially retained at first from policy. *Origin and progress of Mofussil.*

The East-India Company having afterwards acquired the dominion of the provinces from small beginnings, was too weak for some time to attempt the same innovation; and when it grew stronger, it was still embarrassed by holding its dominion under the sovereignty, more or less nominal, of a Mussulman prince; and before it was effectually emancipated, adverse interests and opinions had grown up in its own body, and amongst many of its servants, entitled to weight from their stations and characters, who long cherished the hope, as long disappointed by experience, of ameliorating the Mussulman establishments by the help of Mussulman instrumentality. From these and other considerations of a cautious policy, the Company has preserved, as nearly as the British character could be brought to bear it, the same system of judicial administration which it found conveniently established to its hands by the Mussulmans, its predecessors in the government, only new-modelling some of the forms, and modifying or repealing a few of the most obnoxious rules and practices. The criminal code indeed appears to have already undergone a substantial reform and amendment, though still defective in parts, particularly in the too great generality of criminal charges.

At this day, in addition to the two distinct and original codes of law which have prevailed in India, the Mofussil courts administer a third, now growing up, compounded of new regulations promulgated from time to time by the British government, and also of partial grafts, by construction of their own, from the English, upon the Hindoo and Mussulman laws, which the extreme uncertainty and contradictions of both the native codes render easy enough in very many instances,

if it were done upon a judicious and consistent plan, by those who have a general knowledge of judicial principles and of the peculiarities of the three different codes.

Embarrassment of the whole to the inexperienced.

This state of things must of necessity engender much embarrassment and confusion, particularly to young beginners; for in addition to the loose dogmas of the Mussulman, and the over-refined niceties and conflicting expositions of the Hindoo code, a young Judge, untrained in any systematic judicial education, has also to learn upon what points and to what extent the principles of the English law have modified, or the modern local regulations have wholly abrogated, the original texts. This is a knowledge that must require deep application and practical experience; and where are the fountains of knowledge to be found, or the living teachers to whom the scholars can have access?

emedy suggested.

The best method I believe of escaping out of this labyrinth, in which the body of the people, the native pleaders, and junior administrators of the law, are lost, though a few of the best informed judges may discover their way, would be to give them the general body of the English common and statute law of evidence,* of contracts,† of trespasses, costs and damages, together with the substance or real sense of all manner of pleadings, stripped of their technicality, according to every subject matter of complaint; so that distinct issues only may be presented for judgment, and thereby much time and valuable labour of the Judges be saved; and also of all criminal matters, together with the substance of pleadings therein, with such necessary exceptions of a local character, in respect to the English criminal code, as the Judges of the Mofussil court of highest criminal jurisdiction should deem inapplicable to this people and to the institutions of the country.

It would be better to leave the power of rejecting prior statutable general enactments, not specially extending to India within the limit of obvious necessity, in their hands; and by degrees, as the occasions happened, and experience grew, it would be well understood what laws and statutes did or did not apply to the local condition, safety, and benefit of the people, consistently with their reserved institutions. From all the information I can procure, I believe that the change would be highly acceptable to the natives.

Retaining native laws of title to land, inheritance, succession, marriage, adoption.

I would retain the Hindoo and Mussulman text laws of title to land, of inheritance and succession, to which the respective people are accustomed; and also their rules of marriage and adoption. (This is in effect to retain every law which is in its nature essentially local, engrafting only on it the well-tried and sound principles of evidence and rules of construction derived from a more perfect and highly cultivated system.) The modes of administering these, which are at present very loose, would be gradually defined and regulated by the construction of the courts, as cases of doubt and difficulty arose; and above all, by applying the rules of construction of the English law to the whole body of administrative justice, including even the Hindoo and Mussulman text laws of title, inheritance, succession, marriage, and adoption, the whole would soon be amalgamated into one consistent and intelligible system;‡ while in every case of doubt there

* Basis of it in that part of the English law founded on immutable and universal principles of justice, with the substance of its approved forms.

† Rejecting the technical distinction between contracts under seal or not.

‡ Where native laws furnish no principle of decision, such principle to be applied *cy pres* from the English law.

would be some common regulating principle, either direct or *cy pres*, to resort to, derived from the English law, which would be the leavening principle of the whole mass.

As matters now stand, no man can previously tell, in a case of doubt, whether the Judge will look for a solution of it to any principle derived from either of the common codes, or from a modification of his own derived from all or any of them.

Native laws of title, inheritance, and succession.

The laws of title, inheritance, and succession, being in their nature purely arbitrary, it is as easy and better to adopt those which are already familiar to the people than any other; and there would be no manner of difficulty in engrafting the Hindoo rules of title and inheritance, for all the sons to take equally, in the place of the eldest son, as by the English common law; or for the widow or widows, in lieu of dower of one-third, to be maintained, as by the Hindoo law, by all the sons while living together as one undivided family; or, in case of severance of the sons, to have an equal share with them partitioned to such widow or widows, in like manner as an English widow would have partition in the first instance of her third, or her share of the personal property of her husband dying intestate.

Examples.

Succession.

The successors to personality are as well known in the one law as in the other; and the same remedies are now administered by the Supreme court to natives in all cases as at home to British subjects, for securing to them their rights and vindicating their wrongs.

Marriage.

The local laws of marriage are already recognized by the law of England, and need no new engrafting; the difference is merely ceremonial.

Adoption.

The law of adoption may be readily engrafted, upon proof of certain ceremonies performed; and when adopted, the son inherits in like manner as if he were born in wedlock at that time in his adopting family, with all incidental consequences, amongst others, losing his heritable blood in his natural family.

Caste.

The rules of caste should be left to be decided as they now are at Calcutta *in foro domestico*, and would only be collaterally recognized; as where an assault was aggravated by an act offensive to caste, when it enhances the damages or punishment.

Revenue.

There exists already under this government a peculiar code of revenue laws, which, having been found effectual and beneficial in general practice, would of course be in the first instance preserved, improving with experience and political wisdom and justice.

Advantage of the well-tried and well-practised general principles of the English law over other imperfect systems.

The benefits to be derived from this course would be immediate and extensive, in proportion to the knowledge of the English law professed or to be acquired by the administrators; for the artificial and local parts to be retained from the native codes are few and simple, and of easy attainment to men accustomed to such pursuits; while the uninformed would at least know the quarter to look to for principles to guide their judgment in doubtful matters, where now they have no known general guide or compass of any kind to steer by.

Already experienced

In truth, this is no new experiment, but one which has been tried for now above fifty years, and has succeeded. Upon the establishment of the Supreme court at Calcutta under the charter of 1774, the laws of England were in general transferred hither; but the statute 21 Geo. III. c. 70, s. 17, provides, that the inheritance and succession

to lands, rents, and goods, and all matters of contract and dealing between Mahometans, shall be determined by their laws and usages, and the like between Gentoos; and when only one of the parties shall be a Mahometan or a Gentoo, by the laws and usages of the defendant. No difficulties have been felt in adjusting the native laws of title, inheritance, succession, marriage, and adoption to their corresponding place in the English code (and none other native laws have ever come in conflict with the English,* though the forms of the latter have been bent in certain cases † to prejudices of caste); while the superior value of native property submitted to the cognizance of the English code so modified, compared with the like property under a different system, speaks more than volumes can do on the subject. I have been informed by persons of intelligence that the Hindoos of the upper provinces had lately expected the extension of the English mode of administering their law, as it has prevailed in Calcutta, to all parts of Hindustan, and were much disappointed that it did not take place.

Mode of administering the criminal code.

The only difficulty I am aware of would arise from the British mode of administering the criminal law, rather than from the law itself; a difficulty however which already exists in full force.‡ British juries could not be found out of the different capitals of the Indian governments; and a jury of natives in the country would not, in their present condition, be practically wise.§

But do not reject a partial good because the entirety cannot be obtained, or cannot be obtained at once. Let the Mofussil Magistrates in the provinces continue as before to administer the laws, criminal as well as civil, (subject, however, still to the revision of the superior tribunals in cases of weight, which the measure of punishment would sufficiently define for all practical purposes,) until present conviction or growing experience shall point out the necessity of an improved system and administration; for let the system be what it may, any substantial benefit to the subject can only be looked to from the employment of persons well trained and instructed in judicial knowledge and experience.

[And also subject to any local ordinances of this government made or to be made.]

The general measures of punishment of the English criminal code would of course be adopted, if not already in use, unless in cases where a special provision has been made for India; and in lieu of transportation, which is hardly applicable to many parts of the country without great inconvenience and expense, and which is often found either disproportionably heavy or nearly inoperative to its purpose, sentence of imprisonment might be passed for any time not exceeding the periods fixed for transportation, and with or without hard labour, in or out of doors, and personal chastisement, as might be deemed expedient.

Every criminal

But a precise charge in writing to be preferred by the accuser is

* Rejecting our technical distinction as to contracts under seal.

† Such as the mode of serving process in regard to women, and of examining them as witnesses.

‡ This was written before the recent extension of the right of serving on juries to the natives of Calcutta and the other presidencies.

§ But I write this under correction, for I am not entirely satisfied whether a British Magistraté in the Zillah courts might not advantageously be instructed to advise with a few well-informed natives on matters of fact in criminal cases. This would at least be a safe beginning for trial.

never to be omitted; and the substantial form of the English indictment (freed from its local peculiarities and technicality) has a pre-eminent merit of simplifying every charge, and rendering it single and distinct. As the law has been, and it may be still is, administered in the Mofussil courts, the charge is most general and multifarious, so that the accused cannot certainly know from thence what he is called upon to answer, and a man may be convicted of an offence quite different from what he supposed. This leads to excessive perjury and injustice. charge to be in writing, and precise.

The policy appears obvious, of weaving the British into the native laws in all general points not purely local, and of retaining the direction of the judicial administration in British hands, as much as is consistent with an economical, and, what is no less essential, with an expeditious decision of every matter, according to its frequency and its importance. Political Judicial policy.

If further experience be wanted, and more caution necessary, let the experiment be gradually tried in small districts adjoining to Calcutta and the other capitals, where Supreme courts are or may be thought proper to be established, extending or contracting the system as it shall be found to answer beneficially in practice.

No. 4.

SECOND PART of the REFORM of the MOFUSSIL COURTS.

THE present mode of administering justice in the Mofussil courts seems objectionable on two accounts.

First, the language of the court is Persian, which is foreign at this day to every description of subjects in the empire, and is both impolitic in regard to the state, and inconvenient to the people. It was natural for the first Mussulman conquerors, whose language was Persian, to administer the laws in their own tongue to the conquered people; but by the same policy, if their conqueror and successor, the British government, do not adopt the native tongue, it should give the law in English. The Koran having been written in Arabic, the Mussulman expositors of the law would necessarily have preferred giving their opinions in that language, but they were constrained by our government to give them in Persian, so that the Persian was not agreeable to any party. Upon the whole, the adoption of the English language appears to be most expedient and politic; for the language of its native subjects is various in different parts of India, and the limit of each is not very strictly defined. All would as easily, or nearly so, addict themselves to learn English, and have stronger motives to do so than each other's dialects and languages. The revenue accounts, formerly kept in Persian, have, I understand, been directed to be kept and are now kept in English, for the sake of perspicuity. Language.

The Hindee, (or, as it is more commonly called, the Hindustanee,) of which however there are, as I am informed, very varying dialects, is in more general use than any other in the upper provinces, and amongst the Mussulman population of Bengal; but the Hindoos of Bengal, as well as the great population of southern Hindustan, know little or nothing of it. The common language of the former is Bengalee. Besides, the more it is desirable to impress the stamp of the

British character and empire upon the people, the more ought the study of the English language to be promoted. It will be the speediest and most effectual channel of conveying internal improvements. By making it the language in which the law speaks every day to the people, in all parts of the empire, numbers of the most active and intelligent of them must become familiar with it, as they are now compelled to be with Persian. It is more likely to promote justice than the use of the Persian; for the Judges at least will have a sure knowledge of their own proceedings. The facts will come to them directly from the suitors, through only one translation, for which numbers are already very sufficiently prepared; whereas, by the present mode, the suitor must first convey his claim or defence through the medium of a Persian translation, and then must take the risk of his Judges having so intimate a knowledge of that tongue as not to be likely to mistake either the documents or the oral pleadings. The use of two tongues only, the one of the suitors and witnesses, the other of the Judges and officers of the court, must, in the administration of justice, be safer, if not more expeditious, than each communicating with the other through the medium of a third language, foreign to both, but most of all to the unlearned suitors.

It will operate as a salutary check upon the Judge himself, to deliver his judgment, and assign his reasons, as every Judge should be bound to do in open court, in his own tongue, without any cover. This alteration will of itself be a great acquisition; but its benefits will be inestimably enhanced by its connection with another reform: that is—

English pleaders.

The introduction of English pleaders into the Mofussil courts, I will not say in the place of, (the country may be safely left to judge between them,) but in addition to the native pleaders. That the native pleaders, with perhaps some rare exceptions,* do not afford any effectual assistance to the courts, experience has too plainly shewn: that they frequently embarrass their proceedings, I have been informed from the best authority. How can it be otherwise, when it is considered how deficiently they are educated in all the principles of real knowledge and judicial learning? The very Regulations† which the government, at the suggestion of the courts, has been obliged to make, to guard against their ignorance and corruption, sufficiently declare their general incapacity, proneness to extortion, and degraded condition. Contrast this with the enlightened education, the profound and various learning, both professional and general, the elevated talents and free services of the British bars. Consider the influence which a set of gentlemen, so educated, and disciplined to honour and justice, must have when dispersed throughout the country, engaging the confidence of the wealthy, vindicating the injured, and sharing the feelings and aiding by their counsel and eloquence in the lawful protection of all. Appreciate the accession of moral strength to the government from such an acquisition of British character, talents, and influence; and all this attainable with little, if any, additional expence to it.

* By some the exceptions are not thought so rare as by others, but the generality of the observation is admitted.

† See the Government Regulations towards the end of the Rules of Appeal, from 6 to 11 inclusive.

There are two modes by which this measure may be executed; one which I should prefer, because it would tend more speedily to correct the excessive evil of the present system, is immediately to open the bar of the Mofussil courts to such English barristers as the Company might think proper to appoint. The Company's government might, if it were thought advisable, allot a certain number of barristers to their several courts throughout the country, according to the exigency of the case; and in favour of their present servants in the judicial line, the local government might be restrained from the appointment of any of those barristers to judicial situations in the principal courts for a certain number of years, after which they should be eligible; yet I think that the immediate introduction of a few experienced and approved barristers into the judicial seats of the Zillah courts, where there is the greatest press of business, would be of public advantage.* Modes of introducing English pleaders.

The other mode is slower, but will come to the same result: it is to make a selection, on their arrival in India, of those young gentlemen sent out as Writers, who are intended to enter into the legal department; and to require them for a certain period (say three years) to attend as students the sittings of the Sudder dewanny and Nizamut adawlut at Calcutta, Madras, or Bombay, or other of the Mofussil courts in the neighbourhood, as well as of the respective Supreme courts†, while they are also acquiring the native languages in college; and at the end of that period to call some of them to the bar, and admit others as solicitors and attornies of the Mofussil courts; from the former of whom all vacancies in judicial seats throughout the provinces should in due time be filled, as opportunity offered, and according to the judgment of the Government, as it is now exercised, with the additional information afforded by this kind of public probation. Appointment of Mofussil barristers, solicitors, a attornies

The most distinguished barristers and solicitors would, in the natural course of things, acquire the confidence of the natives throughout the Company's dominions; and thus, in no long time, bring a powerful acquisition of strength from public opinion to the government.

This change of system would require an additional number of Writers, and perhaps of persons advanced to the years of manhood, and in part qualified for their destination; but the great proportion of them would soon maintain themselves, and improve their fortunes, by their own talents and character; and a regulation might be made accordingly, upon a graduated scale of salary, to be reduced from year to year. Its operation, to postpone their advancement to judicial seats for three or five years longer than now takes place, will greatly benefit both themselves and the public.

The only remaining difficulty would be in respect of the present native practisers: these might still be retained till they dropped off. For some short time their utility in causes would be obvious, in the best of them, on account of their intimate knowledge of the language and habits of the suitors, and of the peculiar customs and laws of the provinces; others of them might be appointed to inferior situations about the courts; and moderate pensions, under special circumstances, would compensate all other reasonable claims, if any, upon the Government. Occasion of jealousy in future, if such should be found to arise, Native practiser

* See the last part of these papers.

† If it be desired, the Supreme court here will immediately prepare a place for the students to attend in court.

would be done away by admitting native candidates also to the bar, and to act as solicitors, who chose to educate themselves for such functions, as before, with the acquirement of English in addition to or in place of Persian.

No salaries to barristers and solicitors, as such.

The Company would not, of course, allow any salaries to their Writers who became practising Barristers or Solicitors, as such, at least not after the first or second year of their practice, which would have a good effect in two ways; the one, in relieving the Company from the salaries of those Writers who entered the judicial line; the other, in emulating the candidates for present emolument and future preferment to honourable and useful exertions for acquiring the proper knowledge and displaying the talents of their vocation. And thus the Government itself will obtain unbought experience of those who are fit for the several judicial employments when they become vacant; for the choice of whom at present it is obliged to grope in the dark, or is fettered by some blind rule of rotation or seniority, quite inapplicable, and dreadfully hazardous to the exercise of judicial functions.

Future benefits from change of system.

I look to a future and more extended benefit to arise in both these respects from the change of system. One principal cause of the expense, uncertainty, and delay of the present course arises from the too early employment in judicial offices of very young and inexperienced men, who, having never studied law upon any system, must necessarily be unacquainted for the most part with its principles and practice, and, as matters are now contrived, have very little opportunity of profiting by the example of others who have not long preceded them in the same helpless condition. There is little or no continuity of knowledge and experience in the present system. The young Judge must set off with a small stock in hand; and he leaves no ear-witnessing successor to the hard-earned experience which he afterwards acquires. This begets the necessity, and has enforced the providing of checks upon checks, not only to correct the final errors, but even to guide the interlocutory proceedings, of such magistrates. Hence the cumbrous machinery, box within box, appeal upon appeal, which overloads the judicial proceedings of the Mofussil courts, and leads to insufferable vexation and delay, with proportionable expense. There is seldom any tolerable certainty even when a cause is to be heard; and the parties are accustomed to retain agents at monthly salaries to give information of it.

Barrister-judges and magistrates;

But when Barristers of a certain standing and experience shall be appointed in the first instance to act as Judges and Magistrates of Zillah courts, or within certain districts, having the cognizance of all but capital and state offences, (which should be reserved for the Judges of the superior courts sitting in bank or on circuit,) and also of civil causes to a moderate amount, without appeal (except as after mentioned), more especially when two, four, or more Attornies (according to the magnitude and population of the principal towns and neighbouring districts) shall be appointed to act before those Barrister-Judges and Magistrates, to whom the clients may have recourse, if they please, for advice and assistance, there will be no necessity for the perpetual checks and superintendence which are now exercised; the superior courts and Judges will be relieved from much of the burthen which at present overwhelms them, and the expense of the whole establishment will probably be reduced.

and attornies.

Barrister-judges and magistrates.

It should be made a condition of being called to the bar of the supe-

rior Mofussil courts, that the Barrister should be liable to be appointed to act as a Judge and Magistrate for a certain period of each year in a Zillah court or district within the range of his attendance on the particular court or courts where he is permitted to practise; and as there would be no civil appeal from his judgments in matters of fact, there would be no clashing of interests. If it should be found necessary that the superior courts should continue sitting as they now do, with very short vacations, this duty must be borne in rotation. Reasonable vacations tend rather to promote than to impede the just dispatch of business, by giving fresh zest to those employed, and due time for preparation.

Consulting the genius of this people, raising a due respect and feeling for the occasion in all present, I should recommend that every Barrister-Judge and Magistrate, when acting in his own court, as well as in the superior court, should wear a plain black robe, and that the superior Judges should have their proper robes of office. That each of these, on his entrance into office, should be sworn to his allegiance and duty in open court.

The Barrister-Judge and Magistrate should be permitted to receive certain reasonable fees of court (of which public notice should be hung up in a conspicuous place in his court) for all business done by him as a Judge and Magistrate, leaving his bar fees as counsel in the superior court to be purely honorary. This, with his practice as a Barrister in the superior court or courts of his district, would probably compensate his services as Judge and Magistrate; or if that were doubtful at first, a moderate additional and temporary salary from the public during his magisterial sessions, to make up the deficiency, if any, according to the present establishment, would suffice, with the expectation of future preferment.

The Attornies permitted to practise in the same district court Attornies. would naturally obtain and would principally look for their emolument to the legal business of the district, in proportion to their character and talents. They would always remain responsible for their good conduct under the superintendence and controul of the superior court. In addition, they would attend on the Barristers' court, and might each in his turn, month by month, register and attest its proceedings; and each should be entitled to moderate fees for his trouble, besides a small salary from the public purse during such registering, by way of retainer. Each of these officers would be a check upon the conduct of the other, to prevent abuse. They may be eligible to the higher judicial situations, as a reward of superior talent and merit.

The assistance of these Attornies in preparing the cases which come for trial before the circuit courts or superior tribunals would be invaluable to those courts, by methodizing and expediting the pleadings and evidence, and bringing them to so many distinct issues, elucidated as they would be by the final assistance of the attendant Barristers, which would save an infinity of time and labour, now lost to the superior Judges, in developing undigested masses of paper with which they are now overwhelmed, or in the mere drudgery of inferior clerks. This would prevent that accumulation of arrears which no human exertions of industry and talent can now keep down.

Besides an interpreter, Pundit, Moolvy, and an establishment of Pundit, moolvy, interpreter, peons, &c. peons to attend and execute the orders of the Barrister-Judge and

Magistrate in court, the head man of every village in the district (and more in the greater villages and towns) should be sworn in as officers to assist process and preserve the peace, with a certain badge of office, conferring honour in the eyes of the people. If it be thought necessary or expedient that the Barrister-Judge and Magistrate should be duly qualified in the languages of the country to act without an interpreter, the latter would be saved; but this saving will delay the period of relief in this mode, and may even prevent, at times, the acquisition of Barristers of a higher degree of talent and experience, a few of whom would be invaluable, as models for the rest. At least the office might be temporary.

Village police and civil jurisdiction.

Under the superintendence, and in some degree (better explained in the third part of this paper) under the appellate summary jurisdiction of such a well-informed Judge and Magistrate as I have described, the village jurisdictions,* both of police and of arbitration in village concerns, may, if they ever existed here, be most beneficially revived or brought into activity throughout the provinces. If they never existed, the sub-native Commissioner in each village will perform the same function, with or without other native aid, as may be found expedient.

Police barrister and collector.

In matters of mere police, the Collector of the district might exercise co-equal jurisdiction with the Barrister-Judge and Magistrate. But if, as I have heard suggested by a very able member of government, the Collector's duties had best be restricted to matters of revenue, some other British officer should be associated for this purpose with the Barrister-Magistrate, particularly in the large districts, for in populous districts the police should never be at a stand for a day.

Revenue.

In matters of revenue, the Barrister-Judge and Magistrate and Collector should have joint jurisdiction,† to be exercised in a summary manner upon complaint by the party grieved, except where the title to land of a certain amount is in question, which should be referred to the superior court, and have precedence of trial there to all other matters. I am, however, much inclined to think that it would be advantageous to have a separate superior court for the sole determination of all high matters of revenue.

Separate administration of justice for revenue causes recommended

Appeal re-hearing.

Though I would allow no appeal from the judgment of the Barrister-Judge and Magistrate on matters of fact within the scope and limit of his jurisdiction, unless upon motion made before him in open court within one month after he himself saw reasonable ground to doubt his first conclusion, and to direct a re-hearing; yet if the party grieved were dissatisfied with his judgment in point of law, either as to the improper admission or rejection of evidence, or as to his conclusion of law upon the whole matter, and having taken the objection as to the matter of evidence in open court at the time it was so received or rejected, upon the statement of such objection in writing, either upon the point of evidence or of an erroneous conclusion, signed by any attorney of the court, or by the party grieved, within one week after final judgment pronounced, the Barrister-Judge and Magistrate shall be bound to transmit such objection to the court of circuit, or superior court of his district, together with his notes of

* It is doubted by some if they ever existed in Bengal.

† Something like this exists already, which if found to answer had better be preserved. The Collector communicates with the Judge.

the evidence, on which the objection arises; and the Judges of circuit or superior court should, on consideration of the same, certify their opinion in writing under their hands, to the Barrister-Judge and Magistrate, who, having given notice of the same in one open court, should read his own statement of the case, and the certified opinion of the superior Judge in another open court, in one week from such notice, or sooner, if both parties be in attendance, and should conform his judgment to the directions contained in such certificate. [To be explained by the interpreter of the court in the native tongue, if not spoken by himself.]

Necessity of a change of system.

With the most anxious desire to promote public economy, care must be taken that the end is not sacrificed or hazarded for the means. I have a strong belief, and I hope the truth may not be learnt in a more unpleasant manner, that the present system cannot long go on. An additional number of well-instructed and efficient British Judges and Magistrates are much wanted in many of the populous towns and districts of India, both for civil and criminal jurisdiction. Moorshedabad and its district have, I am told, a population nearly equal to Calcutta, and most probably contain above half a million of persons, and yet there is but one Magistrate and his Assistant to render justice on the spot to this immense multitude.

Village jurisdictions retaining the rule under British magistrates.

The revival or appointment of any village police, village court, or commissioner of arbitration, will prove of inestimable utility, if placed under the controul of a local British Magistracy, but without that controul innumerable evils will speedily grow up. The body of the people will cease to look to British protection, and the reins of empire will be loosened. The measure here suggested is calculated to give a class of judges and magistrates to the people, which by rendering prompt and sagacious judgment to them, will give new lustre and security to the British rule, with the least, if any, additional burthen to the state.

Extension of system to meet the occasion.

Whenever it distinctly appeared that the number of causes could not be kept down in a district by one Barrister-Judge and Magistrate, another should be added to the establishment, either temporarily or permanently, as the necessity of the case appeared to require, who should share in the court fees: and thus the system would preserve its own balance. If Barristers and Attornies were permitted to practise in the superior courts, the government would always be able to lay its hands upon able and approved men for this service whenever they wanted; but without knowledge and numbers there must ever be a moral and physical impossibility of rendering justice to the people under any system of law, a duty of every government co-ordinate with the defence of its people from foreign and domestic enemies.

Knowledge and numbers requisite under any system.

Sheriff.

Finally, I beg leave to suggest that it would be a great improvement of the judicial system in this country if a certain officer, analogous to our Sheriff in England and in Calcutta, were appointed within each Zillah for the execution of the decrees of the Zillah courts, as well as of all superior courts. Much of the precious time of the Mofussil Judges is now, I understand, wasted, and their proceedings much embarrassed, by the inferior ministerial occupations properly belonging to this officer. He should execute and return all process of appearance, &c., and of execution, at his peril, and receive a poundage upon the levy.

The office might be executed by one of the Attornies of the superior court of the district, if such should be allowed, or by a Barrister.

No. 5.

THIRD PART of the REFORM of the CIVIL PRACTICE in the MOFUSSIL COURTS, &c.

THE mode in which the Barrister-Judge and Magistrate should proceed in his Court * may be to this effect on the civil side.

The basis laid in optional arbitration.

The Hindoos being peculiarly desirous of arbitration,† (which is noticed in Sullivan's Tracts and other works, and is confirmed by my own experience,) his jurisdiction should be bottomed in that mode of proceeding.

Time of sitting.

He should sit not less than three times every week in his civil court, and every day, if required by the superior court of the district, during his magisterial rotation. On such sitting days the other assistant officer of the district, as before described, should exercise the police functions, in which he should at all times have co-ordinate authority with the Barrister-Judge and Magistrate, and which the latter would also exercise on other days or occasions than when employed in his civil capacity.

Proceeding by petition in writing and summons in civil cases.

Process, &c.

The Barrister-Judge and Magistrate, on complaint in writing made in the form of a petition, unshackled by any technical rules, should have power to summon any person residing within his district. He should have power also to appoint sub-commissioners, natives, for distant villages within his district, (or if the village police and court of arbitration be revived, the village arbitrators should be *ex officio* his sub-commissioners,) for aiding the parties or the peons of his establishment in serving process and subpœnas; or, in cases of necessity, for taking depositions, after notice to both parties to attend, and for executing judgment.

Village arbitrators or other civil sub-commissioners in each village.

If the village court of arbitration be revived, the complainant should have the option of applying for redress to that village court wherein the defendant was resident, which should proceed thereupon;‡ or otherwise to the civil sub-commissioner in each village; unless, upon sufficient cause shewn by petition to the Barrister-Judge and Magistrate's court, without wilful delay, and before judgment, he should direct the removal of the cause before himself. But no cause should be removed from the village court or civil sub-commissioner after judgment, without plain and manifest injustice shewn in abuse of power and public trust, and this without delay.

Complaint before barrister-magistrate.

The complainant should appear before the Barrister-Judge and Magistrate, or give a satisfactory reason to him by a known agent why he could not appear in person; which agent, if accepted by the court, should have power to bind him in all respects; but the Barrister-Judge and Magistrate should at any time have power to stay or dismiss the complaint, if the plaintiff himself, when required, does not attend to answer.

In writing.

and ore tenus;

The plaintiff or his agent should deliver in a short statement in writing of the cause of complaint, and should also submit himself to the examination of the Barrister-Judge and Magistrate, *ore tenus*,

* This would be in the Zillah court as now established.

† This arose at first probably from their distrust of the Mussulman courts, and fear of being plundered.

‡ *Quere.*—Might not the present Aumeens and Munsiffs be advantageously employed in this manner, as referees of facts?

on oath, in open court, as to the true grounds of his complaint; in order that the Barrister-Judge and Magistrate may ascertain the accuracy of the written statement, and the probable grounds of it, taking a minute of the examination, to be preserved. and examination.

Fees of court.

When the nature and amount of the complaint shall have been thus understood and recognized, the complainant shall pay to the Barrister-Judge and Magistrate a certain small per-centage * upon such amount, before any further proceedings are had, if such present payment be not dispensed with by the Barrister-Judge and Magistrate, for special cause assigned by him in writing on the said petition, and declaratory of his future purpose, if any, in that respect. Where the dispute concerns land, a different though still moderate rate should be paid, according to the computation and practice of the Mofussil courts on other similar occasions, so that the same should not exceed .... ; and another rate should also be settled where the complaint is founded in tort and damages, which latter perhaps may be left to the assessment of the plaintiff himself, in restraint of his own damages; and if they be substantiated, the defendant may be made to contribute something more, or a certain portion may be retained out of the plaintiff's damages.† The requiring something reasonable to be paid by the complainant in the first instance is of great use in repressing frivolous and vexatious complaints, without impeding the course of justice.

Revenue.

It will be for the government to consider whether any and what revenue shall be collected from legal proceedings, and in what mode; but it seems reasonable at least that the suitors should contribute to the just expences of the judicial establishment formed for their benefit.

It might be useful to have a certain officer, such as the sworn interpreter of the court, if any, or the Registrar, according to the present constitution of the Zillah court, one well versed in the native tongue, who for a small fee (say one rupee) would draw out petitions, if the complainant did not procure his own to be drawn up by any other.

Petitions to be entered in a book.

Upon the presentment of every petition, the cause should be entered in a book, to be kept in open court, in the order of time in which it was presented, and refer to the like number indorsed on the petition, which is to be preserved; for this a small fee should be paid to the person making the entry. Every case should be called on in the order in which it is set down, unless upon cause shewn in open court the Barrister-Judge and Magistrate thinks proper to postpone or accelerate the hearing of any particular petition.

If the Barrister-Judge and Magistrate, after reading the petition and examining the complainant *ore tenus* to any points which might seem material to him, saw reasonable ground for granting a summons against the defendant, it would be granted accordingly; and if the matter of complaint were fairly only doubtful, he should be required and commanded so to do. If the complaint were rejected, he should *instanter* return half the deposit money to the complainant, to whom

On rejection, half the deposit to be returned. Rejected

* This might be computed and accounted for better at the time of entering the complaint.

† *Vide* the Regulations of the Court of Commissioners for Small Debts in Calcutta upon this point, and the practical utility of it in the annual return of their proceedings.

petition, &c. may be referred back to barrister-magistrate.

it should be competent to demand back his petition, or a copy of it, and to receive with it a copy of the notes of his examination, taken by the Barrister-Judge and Magistrate, (for which one rupee should be paid by him to the copying clerk, unless the Barrister-Judge and Magistrate shall order more to be paid on account of extraordinary length,) for the purpose of presenting the same to the superior or circuit court of the district, in order that such court may, if it think fit, direct the Barrister-Judge and Magistrate to receive and proceed upon such petition.

Summons fee.

Upon the granting of any summons, a certain small fee, in proportion to the distance at which the summons is to be served, should be settled and indorsed upon the summons by the Barrister-Judge and Magistrate, not exceeding .... per coss, for the benefit of the officer serving the same; and the summons, made returnable within a week or fortnight, or more, according to distance and other circumstances of mutual accommodation, should be served by a peon of the court, if near, or, if at a distance, by a sub-commissioner of the village district, as the Judge and Magistrate should order.

Service.

Process to compel appearance.

If the defendant did not appear to the summons, nor authenticate before the Barrister-Judge and Magistrate any satisfactory reason why he did not, a capias should issue, as it might do in the first instance, on special cause shewn to the satisfaction of the Barrister-Judge and Magistrate, and his order thereon; and if the party absconded, or resisted the process, so that he could not be taken at the return-day, an alias capias should issue, which should be proclaimed in the town or village at or nearest to his usual or last known residence; and if he still absconded or resisted, his real and personal property should be seized and kept in pledge to answer the plaintiff's demand (all prior liens on it being preferred); which demand or claim the Barrister-Judge and Magistrate should then proceed to examine *ex parte*, admitting the defendant nevertheless to come in pending the inquiry, on giving bail or security; and if the demand were found to be just, he should award execution or damages, payable out of the security given or property so seized, as far as it extended to cover the debt or damages; restoring the overplus, if any, to the party or his representatives, when demanded in open court; and if it were not sufficient, then proceeding against the bail, if any, and keeping the judgment in force against the debtor's person or other property till the whole demand should be satisfied.

Or examination ex parte.

Judgment and execution.

Proceeding on appearance.

If the defendant appeared, he should be examined *ore tenus*, on oath, by the Barrister-Judge and Magistrate, as to the subject matter of the complaint, except so far that he should not be bound to criminate himself penally by his answer; and the full substance of his answers relative to the questions put should be taken down by the Judge and Magistrate, as should also his refusal to answer any certain question as it might tend to criminate himself, so that the Judge and Magistrate might exactly understand what were the points of difference between the litigant parties: and having ascertained those points to the best of his judgment, he should *instanter*, in the presence of the parties, write them down, and read them over to the parties,* desiring to know from them whether he understood the points of difference

Pleading ore tenus to issue.

* Something like this took place in the early part of our legal history; viz. the Year Books.

correctly as they severally meant to represent them, and whether there was any other matter of difference between them than those noted down; and should conclude his written statement of the issues accordingly, or correct it, until it appeared to be complete.

It should next be inquired of the parties, whether it was their mutual desire to refer such points of difference, if of fact, to arbitration, or to the ordinary courts of justice in court. If to arbitration, then whether they could agree upon some one arbitrator, of their own choosing (for more than one private arbitrator should never be accepted if possible to be avoided); if so, then the Judge and Magistrate should refer such points of difference so written down to the arbitrator agreed on, who should make his award thereon in writing within such time as should be originally allowed, or subsequently extended by the Judge and Magistrate, *toties quoties*, unless sufficient cause were shewn against it by either of the parties; and the award, when made, should be returned to the Barrister-Judge and Magistrate; and unless sufficient ground were laid before him, within one month at most, for impeaching its justice, on the ground of corruption or wilful misconduct of the arbitrator, or plain and manifest mistake apparent upon the face of the award itself, either in conclusion of law or fact, such award should be conclusive between the parties, and should be preserved in the registry of the court.

Question of reference to arbitration.

To arbitrator of the parties' choice.

Time given and extended.

Return of award made to the court, and registered.

Grounds and time for impeaching it.

If the reference failed, from the defect of the award itself, or from the death of the arbitrator, or his neglect or refusal to proceed, before its conclusion, or the like, another reference should be made by the Barrister-Judge and Magistrate, on application of either party, and so *toties quoties*, unless the Judge should see cause to order otherwise.

On failure of reference, another, &c.

If the difference between the parties were only on matter of law, or in part on matter of law, reserved at first, or appearing in conclusion, then the Barrister-Judge and Magistrate should himself decide the point, and award accordingly, or correct the award made by another, in respect of any erroneous legal conclusion appearing upon the face of it.* And if his decision were objected to by a note in writing delivered into court within three days, the Judge and Magistrate should, at the expence of the party objecting, state such point and objection to the Judges of circuit or superior court, who should with due expedition return their answer, if of English law, upon their own judgment simply; if of Hindoo or Mussulman law, then upon their judgment formed after advising (if the point be not sufficiently plain) with the Pundit or Moolvy respectively of their court; and upon such answer received the Barrister-Judge and Magistrate should declare the same in open court on a given day, after prior notice in court for that purpose, to enable the parties or their agents to attend.

Issue of law.

If the litigant parties should not agree upon an arbitrator of their own, the Barrister-Judge and Magistrate should refer the matters in issue (to the village court of arbitration, if that be revived, or otherwise) to his sub-commissioner in the village district where the dispute had arisen; or if he were objected to, for special and just reason

When parties cannot agree on an arbitrator, reference to village court or sub-commissioner, or trial before barrister-judge and magistrate.

* To preserve the uniformity of the law, and secure to the subject his right, liable to no man's caprice, questions of law should always be drawn to the decision of the court. And where to save expense no regular appeal is allowed, this summary mode of obtaining experienced advice will be found to answer the general object.

assigned, then to the adjoining village court or sub-commissioner; or if any village court or arbitrator were objected to for just cause assigned, and if both parties required that the trial should be had before the Barrister-Judge and Magistrate, or they cannot both agree by whom else it shall be tried, just cause having been shewn by one of them in open court why it should not be tried by any village arbitrator or court at or near the place where the dispute arises, then, upon the payment or approved security given by each party (if both agree) of (say from 3 to 5 per cent.) upon the amount of the property, debt, or damage in dispute, or upon the payment or approved security given of (say 5 per cent.) upon the same by the complainant,* the whole or any part of which may be afterwards adjudged to be repaid by the defendant in the costs, should the plaintiff succeed, and the court so think fit, which sum should be received by the Barrister-Judge and Magistrate as a fee of court, the trial should be had before himself in the ordinary course, provided the value or damages in dispute should not exceed (say 8,000 rupees). The costs should be in his discretion.

Court fees, where trial before barrister-judge and magistrate.

Jurisdiction in ordinary of 8,000 rupees. Costs.

Jurisdiction of superior courts beyond 8,000 rupees.

But if the value or damages in dispute should exceed (say 8,000 rupees), then, unless all the parties concerned should agree upon the nomination of an arbitrator, who should accept the reference, or unless the complainant should desire leave to withdraw his complaint, the Barrister-Judge and Magistrate should certify the petition, with all his notes in writing relative to the same, to the superior court, as the foundation of process to be afterwards issued on the complaint there of the party, according to the forms of proceeding in such court, there to be dealt with according to law and right.

Proceedings below to be sent to superior courts.

The best course of proceeding in the superior courts has been humbly submitted to consideration in the two former parts of these suggestions, particularly in the first.

Die Jovis, 11° *Martii* 1830.

The LORD PRESIDENT in the Chair.

11 Mar. 1830.

Sir Ralph Rice.

Sir RALPH RICE is called in, and examined as follows:—

1369. WHAT situation have you filled in India?—I was seven years Recorder of the Prince of Wales' Island, in the Straits of Malacca, which is a King's court; and I was three years a Puisne Judge of the King's Supreme court at Bombay.

1370. Which in the first instance?—I was seven years Recorder of Prince of Wales' Island in the first instance.

1371. Have the goodness to describe the nature of the jurisdiction of the court over which you presided as Recorder of

* The per centage on a trial before the Barrister-Judge himself ought to be more than before an ordinary arbitrator; the more so, as it will be by the choice of the parties, for superior talent, integrity, and dispatch.

Prince of Wales' Island?—I believe it is similar to the jurisdiction of the court of King's Bench, court of Chancery, the court of Exchequer, and the ecclesiastical courts in this country.

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1372. It comprises all the jurisdiction of all those courts?—Yes, it does; the same as those at Calcutta, at Madras, and Bombay; I believe with very slight variation, if any.

1373. What was the extent of the jurisdiction exercised by that court?—It was over the island and the opposite shore, which was then annexed to the island; and I should remark, there has been an alteration in the court of Prince of Wales' Island; and in consequence of Malacca and Sincapore being joined to Prince of Wales' Island, the jurisdiction of the court has been co-extensive with that of the Government.

1374. Can you state at all, generally, what the amount of the population was, or is now, which falls under the jurisdiction of the court?—The population of the island, while I was Recorder, was considered to be from fifty to sixty thousand; it continued to increase rather while I was there.

1375. What proportion of that was European?—The Europeans residing there were very few; I think very seldom, independent of the military, above one hundred; I mean with regard to the Europeans residing. One of the difficulties arising out of that jurisdiction was not from the resident Europeans, but in consequence of numerous ships which came there; so that the number of Europeans resident would be no criterion of the duty attached to the jurisdiction.

1376. What description of natives generally, as to religion and country, lived under the jurisdiction of the court?—I do not believe there is in any part of India or the world so mixed a population.

1377. Of what religions generally?—Of all religions, I think, which there are in India.

1378. Did no one prevail in proportion to the rest?—I think that the most valuable part of our population were the Chinese, both as merchants, artisans, and labourers.

1379. Of the remainder, can you state in what degree the Mohamedan or the Hindoo religion prevailed?—The Mohamedan were a numerous class of the Malays, which were rather a distinct population: they were generally labourers in the smaller departments of the country, such as fishermen and fruit-gatherers, and fruit-planters; and in the other smaller departments there were a number of Arab merchants, who were also settled there, and carried on a considerable trade to different parts, both to the Persian gulf, and also on the coast of Sumatra, and also in the eastern seas. There were also a race, generally known by the name of Chulieis, who were a fluctuating body, who came generally at one period of the year, some remaining,

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and some going back at the end of the year to the coast of Malabar, and also to the coast of Coromandel; they were known in the island of Penang, as what are called the Chuliah people. The Hindoos, who were not numerous, principally, I think, consisted of those who had established themselves after the expiration of the period of transportation, or their descendants; for Penang was the place to which the courts of India transported their felons, and persons whom they had the power to transport, in the same way, or nearly so, as in this country they are transported to New Holland. The number of convicts was generally from 1,500 to 2,000 in the island. There was also a regiment of sepoys there, many of whom were Hindoos.

1380. Did the court administer the law in every respect to the whole of this population; or was any part of the law, with respect to succession and contract, excluded?—The jurisdiction of the court there was co-extensive with that of the Government; differing in that respect from the other presidencies of India.

1381. And comprising every species of interest?—Every species of interest that is almost possible to be conceived.

1382. As it respected the officers, what was the constitution of the court?—The Governor and the two Members in Council were united with the Recorder.

1383. What was the nature and character of the practitioners before the court?—There were no Barristers at all; and only some persons who were not regular attorneys who were admitted to practise there.

1384. Were those persons Europeans or natives, or both?—In one instance a person was an European, and another called in that country half-caste, or half-blood—an European father and a native woman. The property in litigation was in general very small, though very often the question was of a complicated nature.

1385. Did you find that the different classes of native population acquiesced, without complaint, in the principle and decision of the court, founded, as this has been, upon those of the English law?—They were not founded upon the principles of English law, because by the clause in the charter we were bound to administer the law to every part of that mixed population according to their respective laws and customs.

1386. You conceived yourselves then under the necessity of making yourselves acquainted with any branch of the eastern law as it applied to the particular persons whose causes were under consideration?—We were bound to do it in what I call the civil law, that is, the dispute between man and man. With regard to the criminal law, there is something a little more extensive than in our charter. We were to respect the customs of the natives in the criminal law, but not to be altogether governed by that law.

1387. What means had the court recourse to for the purpose of making itself acquainted with the principles of the various systems of law which it was called upon to administer?—With regard to the Chinese law, we looked to those books we had access to, and we called in the principal, the head men among the Chinese, to assist us; with regard to the Mohamedans, we always had the advantage of the Koran, and different interpretations upon it, and had there many persons conversant with the law, Cazies, among their sacred priests, to assist us.

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1388. Do you conceive that, upon the whole, the judgments so given were thought satisfactory by the parties whose interests they affected?—Having been in that situation where I was left by the practice of the court to administer the law conclusively, perhaps it would be very difficult for me to say whether they produced satisfaction; but if I might judge from the mode in which I was treated when I left, after I had been there some years, I am bound to say so.

1389. No complaints, then, were made on the part of the natives with respect to any supposed mistakes in decisions?—No; it appeared to me quite the reverse. But, as I said before, it is very difficult for me to say, and I might very likely be deceived.

1390. Were considerable questions of property decided by the court under these circumstances?—No, I think not. There were some questions of considerable property; but, generally speaking, they were for very small sums. The important part of the business, and which I considered the most heavy upon the Judge, was the criminal part, where the executions of criminals were exceedingly numerous, arising out of the very singular nature of the population.

1391. State what those particular circumstances of the population were that gave rise to that necessary frequency of capital punishments?—I think principally arising from the mixed nature of the population, and the very uncivilised state in which the opposite coast was.

1392. What description of the natives, subject to the jurisdiction of the court, most frequently rendered themselves subject to these punishments?—I think Malays. During the seven years I was there, in that population there were six executions. During the time I was in Bombay, where the population was 150,000 at least, there was only one execution during three years, and that was of an English serjeant. It was for that reason I mention that I consider the number of executions large.

1393. Were the Chinese, as compared with other descriptions of inhabitants, more or less criminal offenders?—I think in thefts they were quite as numerous as other classes, but not, I think, in offences arising out of acts of violence.

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1394. Can you state the average duration, or nearly the average duration, of suits in the court during the time you resided in it? —I think it would be almost impossible to draw any average of the duration of suits; they were generally, and almost always, settled almost every term, which is four times a year.

1395. So that no great arrear existed?—There was never any arrear, unless it arose from the parties not being prepared to go on; never from want of time.

1396. Can you state the sort of expence attending suits in the court?—The fees of the court are established; they are now in print, and were, I believe, reckoned generally small, but I think quite equal to the nature of the suits out of which they originated.

1397. Does it occur to you that any amelioration could be effected, either in the constitution of the court, or the system of law which the court is directed to administer?—I think it would be very difficult; there must necessarily be in that jurisdiction a considerable degree left to the discretion of the person who is to administer the laws.

1398. Have you any personal knowledge of Sincapore?—I was there at its original establishment, and very shortly before I left for England; but probably, not being there officially, I am not able to speak upon it.

1399. At what period were you Recorder of Prince of Wales' Island?—I went in 1817, and left it in 1824.

1400. What is the date of the Charter?—I think it was in 1807. Sir Edmund Stanley was the first Recorder: my immediate predecessor was Sir George Cooper. The government was established in 1805 as a presidency. They found they had no jurisdiction; they were inundated with felons; and they were obliged to get a court established, after very great difficulties attending the previous state.

1401. What was the amount of the native population of the island previously?—Very small. I understood there were not more than three or four hundred persons on the island in 1780. When Mr. Light first established it there were very few; I have always understood that there was a very small population at that period. It was attached to the Quedah territory.

1402. Is the Chinese a resident or a fluctuating population? —They reside in general for a great many years, but some of them come and return; they go backwards and forwards. Their inclination is always to return to their own country. They generally send their children, when they can afford it, to be educated there.

1403. Is Prince of Wales' Island now considered as a place of transportation?—It is for the felons from Bengal, Madras, and Bombay; both from the King's courts and Circuit courts.

1404. What is the number of transports generally?—I think their numbers were generally from 1,500 to 2000. 11 Mar. 1830.

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1405. What proportion did they bear to the rest of the population?—The population fluctuated from fifty to sixty thousand during the time I was there.

1406. Do you conceive the use of that settlement, as a place of transportation, is an impediment to its improvement in other respects as a place of commerce?—No, I do not indeed; I think when they are under good management, as they generally are, they were beneficial to the island.

1407. In what were they employed?—In the making of roads; in the assisting making public buildings; and those of the best character were allotted out as the under servants of different establishments, for which certain sums of money were paid to the Company.

1408. Has the number of them increased?—I think while I was there, from the returns made to me, it was generally kept about the same; from 1,500 to 2,000. Application was made to the Government, in my time, to allow a certain number of convicts to be attached to the establishment. They used to be in the first instance without payment, but latterly there was a payment made to Government. I had ten. There was some which were paid for, and some which were not, latterly.

1409. Has the Governor there any power of permitting them to return on good behaviour. They of course might and did return when the period of their transportation expired?—No, I believe none; and I am not aware that there was any communication ever took place between the Government of Penang and the other Governments with regard to any returns.

1410. Do you think it desirable there should exist such a power on the part of the supreme authority of the island?—I cannot anticipate any objection to it; but it would require a knowledge from whence they came, and how they were connected with the decoits, and what sort of persons they were; for though they might behave very well at Penang, they might be decoits, or might have been connected with the polygars, and might return to their old habits if they returned to their own country. The polygars were sent back while I was there, having been there a considerable number of years. They were political offenders.

1411. You stated, that you were bound to administer the law to the different classes of the population according to the principles of their own laws; did that apply to all the fluctuating part of the population, the Chinese and others living there?—Yes, it did. Whenever I found two Chinese differed, and wished to have any thing decided according to their own law, and I could not learn it from my previous practice, I called in the heads of their own tribes to assist me in endeavouring to

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get at it; with regard to their burials, their marriages, the education of their children when they were orphans of the court, and a great variety of things.

1412. What is the prevailing religion among the Malays in Prince of Wales' Island?—The Malays are all Mohamedans, as far as we know their religion. It is difficult in some of the eastern islands to say what their religion is; what the Batta people are, for instance, in Sumatra; but we have reason to believe that all the Malays are Mohamedans.

1413. Do the Governor and Members of Council take their seats in the Recorder's court on ordinary occasions?—They do not; they come in very little, except on the first day of the sessions. Sometimes one of them would attend during the sessions, and was of great assistance to the Recorder, particularly in regard to some of the customs which had prevailed before.

1414. The Members of Council preside in different parts of the settlement?—They do now; but during the time I was there Malacca and Sincapore were not attached to Prince of Wales' Island. Since that there has been an alteration made; Malacca and Sincapore have been annexed to the government, and the jurisdiction of the court, I believe, made by a new patent co-extensive.

1415. Does the Recorder now go at stated periods to Sincapore to administer justice?—I believe he does; but at present they have not got into full practice upon the subject, and there has been some alteration made.

1416. Had you the jurisdiction of the Admiralty court?—No. An application had been made for the Admiralty jurisdiction, and was about to be granted. and I believe it is in the present patent; but during my time we had no Admiralty jurisdiction.

1417. Were there no cases of piracy?—Yes, a great many; and it was very much wanted there.

1418. How were those cases disposed of?—The cases subject to the Admiralty jurisdiction were sent up to Calcutta, the court not having the power to interfere in any way.

1419. Did you observe, among the various classes of persons who made up the population of Prince of Wales' Island, a peculiar degree of partiality for their own laws and usages?—When it suited the interests of the party, always; but when they had no interest, I think they were very easily managed according to our views of right and wrong.

1420. Did you observe, on the part of any of those classes of persons, a more remarkable adherence to their own particular laws and usages than any other?—No, I cannot say that I did.

1421. You do not consider, in that respect, the Hindoos as distinguished from the other inhabitants?—There were so few Hindoos, except the military, of any rank or consequence, that

probably this case would not have arisen. They were principally convicts or sepoys, or persons who had originated from those persons, where their prejudices were not equal to those supposed to exist to a certain extent on the continent of India.

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1422. Have you reason to think that the Chinese accommodate themselves easily to a change of circumstances?—I think upon all mercantile questions particularly so. Indeed I do not know that their mercantile views are very different from ours; they are admirable merchants, most excellent in every respect, so far as I was enabled to judge of merchandize, both as to accuracy of account and minuteness in their speculations.

1423. Had you any inferior jurisdictions at Penang?—We had what in this country would be called a Court of Requests, where a person appointed by the government tried causes under a certain number of dollars, from which there was an appeal to what was commonly called the Recorder's court, the court of judicature.

1424. With that exception, the Recorder's court was the only judicature in the settlement?—Yes.

1425. Were there many of those Courts of Request?—No; only one. I believe there has been one established since I left, on the opposite coast. It was wanted, but it was not enforced before I went. It was agitated about that time; whether it was commenced just before or just after I left I cannot say.

1426. In cases of suits between persons following different laws, was there any rule according to which law it should be decided?—I never was driven to that during the whole time I was there; but I should have adopted, unless I was otherwise bound by the charter, the rule which prevailed in India, to let the law of the defendant prevail Where there were questions or squabbles among the parties, it was generally among parties of the same caste. It was on their own customs, as far as we could obtain a knowledge of them, that the cases must be decided.

1427. Did you remove immediately from the Recordership of Prince of Wales' Island to the Supreme court of Bombay?—I did, in 1824.

1428. Will you state what was the constitution of the court of Bombay while you were a member?—Sir Edward West was Chief Justice. I was the senior Puisne Judge, and Sir Charles Chambers was the second, by the charter which then formed the new court.

1429. Of what other officers was the court composed?—There were no officers of the court except the Registrar and persons of that description.

1430. What were the practitioners?—The Advocate-general and eight Barristers, and I think eight or ten Attornies.

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1431. The Barristers, of course, were Europeans?—They were.

1432. What were the Attornies?—The Attornies were also Europeans, I believe, without exception; indeed I am sure there were no others when I was there.

1433. Were there not native agents employed by the Attornies in carrying on the suits?—There were, as interpreters, and assisting them in the office; but I am not aware that there was any which the court recognized.

1434. Was it to the same extent that you may have understood that the custom of employing native assistants to Attornies existed at Bombay as at Calcutta?—I never knew that there were any recognized by the court. That there are natives who are attached to the office, who mix more with the natives, and bring clients to the Attorney's office, I believe to be the case, perhaps in Madras as well as Calcutta; but there are no persons recognized by the court at all, and therefore it is a matter more of report than of knowledge. Many gentlemen who came out as attornies to Bombay or Calcutta are totally unacquainted with the language; they have native assistants in their offices, and they, in proportion to their means of mixing among the natives, bring clients to the offices. I speak as to this more from report than from actual knowledge.

1435. What was the jurisdiction of the court at Bombay?—It was confined generally to the presidency itself, to the island of Bombay; it extended also to all the Europeans in the other parts of the presidency or the government.

1436. Did you administer both the criminal and the civil law?—Yes; and there was also an Admiralty jurisdiction; but the Admiralty jurisdiction was exercised by the Chief Justice.

1437. Was the criminal law administered as the criminal law of England?—Exactly, according to form and substance. I should say according to the law of England when the first charter was originally granted to Calcutta, and not the law of England as it has been since varied and modified by subsequent Acts of Parliament. Such Acts do not extend to India, unless India be specifically mentioned.

1438. You do not consider, then, that any alteration whatever in the law of England at home can affect the administration of the law in India, unless specially provided?—No; that has been so considered.

1439. With respect to the civil law, on what principle was that administered?—The same as the English law; but no alterations have taken place which have taken place in the civil law in this country, unless as altered by Act of Parliament, or by Rules and Regulations which they have the power of making in that country, subject to their approval in this.

1440. Is the civil law applied to the interests of the natives, without any exception as to the law of succession and contract? —By the charter, the natives of Bombay, the Mohamedans and Hindoos, are entitled to have all their questions of civil right tried by their respective law. With regard to the Portuguese who are there, they have the law administered, where it differs, according to civil law, which is commonly called the civil law which existed under the Portuguese government; but I never knew a case to occur in my time as to the Portuguese.

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1441. When you state that the court administer the civil law of England, you mean in the cases of English European subjects only?—Quite so in that respect, according to the words of the charter. There has been a great difficulty with regard to the Parsees, who are a very opulent body of men there; but they having adopted, generally speaking, the laws of the Hindoos, they have been regulated, where there has been no custom to the contrary, by the laws of the Hindoos, and not by those of the Mohamedans.

1442. Next to the English law, the Hindoo law is the one you were most frequently called upon to administer at Bombay? —I think it has been by custom more than by the strict Hindoo law.

1443. Has the court at Bombay regular officers for the purpose of making itself acquainted with the principles of the native law it is called upon to administer, or does the court use its own discretion in collecting it?—They use their own discretion in collecting it. When they think they have not a sufficient knowledge of it of themselves, they call in the assistance of persons whom they think competent to give them opinions upon it, Moolvies and other people.

1444. In what language are the proceedings of the court carried on?—In English, with the assistance of interpreters with regard to evidence.

1445. Are there any other courts in Bombay besides the Supreme court?—Not in the presidency of Bombay; in the government, of course, there were a great many.

1446. Is the Supreme court a court of appeal from any other court?—No. There is a similar court of requests at Bombay to that I mentioned at Penang, established by the Governor, and the Rules and Regulations by the acquiescence and approbation of the Supreme court, passed by the government in Council, and from which there is no appeal to the Supreme court that I am aware of; I think I must have known of it if there had been.

1447. Is the trial by jury had recourse to at Bombay?—Yes, in criminal cases, but not in civil cases.

1448. In criminal cases, where natives are concerned as

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much as Europeans?—Yes. Perhaps I should say that there has been lately a Rule and Regulation (I do not know whether it has been approved by his Majesty in Council yet), to allow the Magistrate to punish natives for small offences, without the intervention of a jury. That was passed by the Governor, with the approbation of the majority of the court.

1449. Are natives admitted to serve on juries in such cases?—When I left Bombay the Act of this country had arrived, but not been put into execution; except with reference to a Portuguese gentleman, Sir Roger de Farian, who was a Christian, who had sat once on the grand jury.

1450. From your observation of the natives generally, are you of opinion they would be usefully employed in serving on juries?—I think that the answer to that is a subject of very considerable difficulty, and one of very great doubt.

1451. You have formed no decided opinion of your own upon the subject?—I think it is attended with great difficulty. Where there is no heat, and no interference with their peculiar habits, I think they would assist the Judge in the administration of justice, in collecting the evidence.

1452. Is there any particular description of natives whom you think more qualified for the exercise of those civil offices than others?—I think the Parsees would be more fit than any other. I think they are more free from what would be commonly called, perhaps, prejudices.

1453. Do you attribute that to the particular circumstances of their religious faith, or to that of their being the most opulent of the inhabitants?—Principally, I think, from their being the most opulent, the most enterprizing, and the most intelligent. With respect to the faith of the Parsees, it is very difficult for any one to know really what their faith is; and I have taken considerable pains on the subject.

1454. Have you observed the Parsees to be superior in general morality to the rest of the native population?—With regard to the morality of the natives, Europeans mix so little with them, it is a very difficult thing to say.

1455. As far as fell under your observation in the administration of criminal offences?—I really cannot say; but I have every reason to think, when I was at Bombay, there were as many perjuries committed by them, and as many pretences that other persons were committing perjuries against them, as by any other class.

1456. Were you ever at Ceylon?—Yes, I have been.

1457. Had the trial by jury been introduced at the time you were there?—Yes. I was there only on a visit, not officially; but I have had great communication with the Judges there.

1458. Had you an opportunity while at Ceylon of observing

or hearing the effect of the introduction of the trial by jury now?—I know that Sir Richard Ottley, who was one of the Judges while I was there, had a very high opinion of the juries at that time, which was in 1822 I think.

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1459. How long had they been at that time introduced?—I think not a very long time. Sir Alexander Johnston had introduced them, and he had gone home. But I was there only a week, so that any information I can give must be very loose.

1460. Are you aware of any circumstances in the population of Ceylon more favourable to the practice of the trial by Jury there than at Bombay, or in other parts of India?—No; I am not at all sufficiently acquainted with the population at Ceylon; I am not aware of any.

1461. Have you visited other parts of India?—Yes; I have been in almost every part of India. I have been up to Delhi, to Hydrabad, Seringapatam, and Trichinopoly, and at Canton, but only as a traveller, as a visitor.

1462. Have you had any occasion to observe the degree of confidence which the natives in those parts of India you have visited place in the administration of the law?—I do not feel competent to answer that question: I have not sufficient knowledge of the language; and even if I had, in travelling through a country it was almost impossible to gain sufficient information to enable me to answer the question.

1463. Do you conceive that, upon the whole, the administration of the law in the English form is more conducive to the interests of the country than it would be if the proceedings were attempted to be carried on in any other language?—I think in Bombay, Madras, and Calcutta, where English is so much spoken, it would be a great pity to alter it, to introduce the Persian into either of the presidencies, and attended with no use at all, because by the interpretation we have the evidence from the natives in their own language, with the interpretation in English. Whether the Persian might be got rid of in the Mofussil courts, still retaining the evidence in the native languages of that mixed and extraordinary population, would be a question, perhaps, beyond my information.

1464. Are you acquainted with the Persian yourself?—No, I am not.

1465. Can you state the average duration of suits in the court at Bombay?—They were cleared off every term; we never had any arrear; we hardly could have, unless they were arrears arising from the absence of witnesses, or the absence of parties, or circumstances which occur in this country.

1466. Can you state the expence attending suits in Bombay?—It would be very difficult; it depended entirely on the nature of the suit.

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1467. Does any material improvement occur to you as practicable in the constitution of the court at Bombay, as it now stands?—I think there are many things to be looked forward to that might be beneficial.

1468. Will you describe generally what, in your opinion, they are?—I think every thing should be done to prevent any collision between the courts within the presidency and the Company's courts without the presidency and within the government, where it is possible to be anticipated. The consequences of collisions I consider as exceedingly injurious to the population, both European and native.

1469. What is the nature of the court by which the law is administered within the government, but without the limits of the presidency?—I believe they are the same with regard to personal questions. Without the presidency, the Mohamedan law prevails almost all over India as to criminal cases; but I have understood that in the Mahratta countries the Mohamedan criminal law does not prevail, but, as far as they can ascertain it, the Hindoo criminal law. The government make rules and regulations altering the Hindoo and Mohamedan law without the presidency.

1470. Those courts are appointed by the Company in the same way with the courts in the other settlements?—Exactly.

1471. Is the Persian language in general understood by the Hindoos?—I believe very few, except the higher ones, understand it, and I am not sure very often that they do.

1472. Has the Persian language then, do you think, any advantage over the English language, as used in criminal courts, in which the Hindoos are chiefly interested?—I have understood it is only that the records are kept in the Persian language, and therefore it can have no advantage, it being to them a dead language.

1473. Are you of opinion that it would be an advantage to substitute the English for the Persian language in such cases?—No; I do not think it would be either an advantage or a disadvantage. It would make very little difference if our indictments in this country were now in Latin. I believe it is the better opinion that it would make little or no difference; they would be interpreted.

1474. Would it not have a tendency to familiarize the Hindoos with the English language?—That depends on such a very extensive view of India. There are many persons who contemplate making it the vernacular language; but it is such an extensive subject, I am afraid it would be difficult for any person to form a sound judgment upon it: it is all conjectural. It would be an avdantage, with our views of the world, that the

English should be the vernacular language of the whole of Hindoostan.

1475. Would not such a change have a tendency to produce that effect without any injurious violence to the habits of the natives?—It might be one small step towards that, perhaps.

1476. What has occasioned the increase of expence in the judicial charges at Bombay since the year 1824?—I imagine the establishment of the Supreme court in lieu of the Recorder's court. In 1824 the Supreme court was established, and previous to that only one Judge instead of three. In 1824 and 1825 the Supreme court was established; previous to that there was only the Recorder.

1477. What is the population of the Guicowar territory?—That is a separate native government, and is all under the influence of the Bombay government. They are principally Hindoos; there are, I believe, a great many Parsees in parts of it. But I have never been in the Guicowar dominion.

1478. Is there any appeal from the Supreme court in Bombay to the King in Council?—Yes; which it appears to me should be very much facilitated by any regulations which can be made, if they can be made.

1479. How long has that existed?—Ever since the establishment of the Recorder's court; and from all the courts in India there has been an appeal to the King in Council.

1480. Do you think great value is set upon that right by the parties who litigate?—I think if they had not the right they would perhaps find fault; but having the right, it is not so often exercised as perhaps it would be if there were facilities granted.

1481. That right exists only in cases in which there is a certain amount of property in question?—Yes; I think 2,000 rupees; but I am not certain of the amount; I forget.

1482. You mentioned that in the Supreme court of Bombay there are about eight Barristers and eight or ten Attornies?—Yes.

1483. Have you found that about the fair proportion to the transaction of business?—Yes; I think fully adequate to it. They would have been fully adequate if they had been all residing.

1484. Did the Attornies bear a fair proportion to the Barristers?—Yes. I think if there had been more, there would not have been sufficient to support them.

1485. In the island of Ceylon, are the natives summoned on grand juries as well as on petit juries?—I do not know; but I believe not; I believe there is something in the nature of a public prosecutor under the name of Procurator Fiscal, who acts in the same manner as I believe the office of Lord Advocate is administered in Scotland; but I cannot speak to that point.

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1486. Are there no Hindoo or Mohamedan officers regularly attached to the court of Bombay?—No; except the interpreters.

The witness is directed to withdraw.

RICHARD CLARK, Esq. is called in, and examined as follows:—

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1487. WHAT situation do you hold?—I was in the civil service on the Madras establishment. I have resigned the service.

1488. What offices did you fill there?—In the latter part of my service I was a member of the Board of Revenue (I was Secretary before that), and Temul translator to the government, and, *ex-officio*, a member of the Board of Superintendence of the College; before that I was in the Sudder adawlut. I never had any service in the interior of the country; I was entirely at Madras.

1489. In the provinces under the presidency of Madras, at present, are the collection of the revenue and the administration of justice under the direction of the same person?—No; the departments are separate.

1490. The Civil Judge in the province and the Collector are separate?—Yes.

1491. Have they been always so?—They have been so since 1802.

1492. What advantages do you conceive arise from their separation?—The first great advantage is to render practicable the duties, which would be infinitely too laborious for any one man; another advantage must be, the more impartial administration of civil justice, because the collection of the revenue has a tendency to lead men to acts of controul over the property and rights of the people, which it is the business of the Judge independently to protect; and I may say, generally, the separation is productive of those benefits which must always result from an independent judicature.

1493. Are any and what judicial powers intrusted to the Collectors?—No judicial powers are intrusted to the Collectors, excepting that of deciding, in the first instance, certain cases regarding immediate occupancy of land, or claims to the right of irrigation. The produce of large tracts of land depending upon irrigation, and the right to receive water from the great reservoirs being a subject of frequent discussion and dispute among the inhabitants, by a late Regulation the Collector has been empowered to settle, in the first instance, summarily, questions arising upon those points.

1494. Are there any appeals from his judgment in those cases to the Judge?—Yes; and from the Judge to the Pro-

vincial court, and eventually to the Sudder adawlut. The Zillah courts are more numerous, and have a more limited jurisdiction than the Provincial courts. Over several Zillah courts one Provincial court exercises jurisdiction. There are four Provincial courts under the presidency of Madras.

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1495. In what manner do the district Munsiffs discharge their duties principally?—I believe upon the whole very satisfactorily. There are village Munsiffs and district Munsiffs.

1496. Do they all discharge their duty satisfactorily?—The village Munsiff jurisdiction is to a small amount. Very little is known of what they do; for though they are required by the Regulations to make regular reports, there is no means of insuring their doing so. The great object of giving them power was to enable them to decide small disputes upon the spot; and the provisions requiring them to send in regular statements of the business they perform have not been very punctually carried into effect, consequently little is known of what quantity of work they do. But the district Munsiffs, who have a more extended jurisdiction, are known to get through a great deal of business. From their decisions an appeal lies to the Zillah courts; and the district Munsiffs being a superior order of men, many of whom are regularly trained to judicial inquiries, their reports are more faithful, and the business they transact is more regular. The proceedings in their court have been generally considered satisfactory.

1497. You believe that to be a very efficient institution?—I have no doubt of it. It is the extension of a system which has existed ever since the year 1802: there were native commissioners appointed, though with a less extensive jurisdiction, and not so defined in number.

1498. What are the salaries of the district Munsiffs?—I do not exactly recollect, but as far as I recollect about £8 a month; about twenty pagodas. They have also fees upon all cases which they decide upon the merits.

1499. Are you acquainted with the constitution of the police establishment?—Generally.

1500. In what manner are they appointed and removed, and remunerated?—The lowest police officer is the village watcher. There are several in a village who perform the lower offices. They are under the controul of the head of the village; the head of the village is under the controul of the Tehsildar, who is a local native collector of revenue; the Tehsildar is under the Magistrate, who is the collector. The village watchers are remunerated by a small quantity of grain from the produce of the village, and from certain fees from the inhabitants; and the head of the village has also similar allowances, to a greater extent. The Tehsildar is a stipendiary officer of the government, employed in the collection of the revenue. There are police

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officers appointed to towns, called Aumeens of police, who have a jurisdiction also beyond those towns; and there are officers called Cutwals, a kind of high constables, resident chiefly in market towns. There are, in some districts, paid police; and there were formerly various classes of native peons, under different denominations, many of whom have of late years been dismissed as unnecessary.

1501. Are those persons adequately remunerated, in general? —They are remunerated, not expressly for police duties, but jointly for their duties in the revenue and the police department. Every police officer is a revenue officer.

1502. Is there no inconvenience found from uniting the two characters?—There is reason to apprehend that a great deal of inconvenience arises from it, especially as the Magistrate, who is the Collector, and has the entire superintendence of the police, and a certain extent of Criminal jurisdiction, has the sole controul over the police; while the Zillah Judge, who exercises the office, as it is termed, of Criminal Judge, and who has a superior power of punishing, and that of committing to trial before the Circuit court, is not permitted to exercise any controul over the police; the police are not responsible to him; nor do the acts of the police regularly or uniformly come under the revision of the Criminal courts, as they did before the separation of the offices of Judge and Magistrate. There is a general propensity in the natives to exercise severity towards each other; and there is reason to believe that those rules that have been made for the guidance of the lower police officers, especially those limiting the time that they are permitted to keep the prisoners before they are sent up to a court of criminal jurisdiction, are overlooked and neglected; and that prisoners are detained very much, according to the pleasure or convenience of police officers. These are the chief inconveniences I have been aware of. As far as I recollect, during the time I was in the Sudder adawlut, there were many cases in which the court found incidentally that such abuses of authority did take place.

1503. Abuses from the union of those two characters have been frequently found to exist?—Yes.

1504. Of course it is very desirable to remedy them?—Certainly.

1505. Do you apprehend there would be any great advantage obtained by an alteration in the nature of the police?—Not in the nature of it so much as in the controul of it; if it were made more responsible to the judicial department.

1506. Are you not of opinion that a smaller police, better paid, and not locally connected with the villages, would be advantageous?—That would be very doubtful; because all knowledge and discovery of offence must be made through the village

officers; so that an independent police must resort for its information to the village officers. 11 Mar. 1830.

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1507. In your experience of the Sudder adawlut, did you find the gentlemen appointed to those courts sufficiently qualified in law and judicial practice for the situations?—In many instances certainly not, referring to the courts generally.

1508. Are the Judges of the Zillah and Provincial courts qualified, by a proper study of the Mohamedan and Hindoo law, for the performance of their duties?—There are very few Judges, either of the Provincial or of the Zillah court, who have been enabled to qualify themselves well in the knowledge of either of the laws of the country, because the study of those laws requires the knowledge of languages very difficult of acquisition, and not in use except for the objects of study: not in use colloquially. When a gentleman first enters the civil service, he studies in the college those languages which are now colloquial, and which will enable him to communicate immediately with the natives; but those are not the languages in which he would be enabled to study the laws of the country; and the time of those gentlemen is generally so fully occupied in the discharge of the duties of their situations, which are ordinarily very onerous, that they have very little time to give to abstract study. In cases turning on points of Mohamedan and Hindoo law, the Judges avail themselves of the assistance of native lawyers of each class, who are appointed both to the Zillah and Provincial courts, and to the Sudder adawlut; and, as directed by the Regulations, the Judges refer to those officers for their opinions on the points submitted to them for that purpose. The Judges also take such means as are in their power to verify those opinions; and much assistance has been afforded in this respect, of late, by the publication, in English, of translations of some of the works on the Hindoo law of the greatest authority, to which reference can be safely had.

1509. Are you of opinion that a more decided separation of the judicial from the other branch of the service would tend to the advancement of better men to high judicial situations?—I think it would.

1510. Are you of opinion that any advantage would be obtained by an institution of native juries in criminal cases, empowered to declare their opinion as to matters of fact?—I think the employment of natives to be present during the investigation of a criminal case, and to give their opinion upon the evidence, would be advantageous; but I do not think that their decision could be received and implicitly followed as the verdict of a jury in Great Britain is.

1511. In what cases does the Supreme court administer justice according to the Mohamedan and Hindoo law?—In all cases of inheritance, adoption, and contract, I believe. In all

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cases in which the rights of the parties require that the decision should be governed by a special law, obligatory upon those parties.

1512. In what position are the half-castes considered to stand in the eye of the law?—All persons living within the local jurisdiction of the Supreme court are amenable to that court; beyond the local limit of the Supreme court, the half-castes in common with all other natives of India, and also with European foreigners, not British subjects, are amenable to the local courts.

1513. You were in the Revenue Board for some time?—For a short time.

1514. Can you inform the Committee of the manner in which the settlements of land are made?—An alteration had taken place in the settlements, beginning about the year 1814; a gradual introduction of a different system had taken place, which was still in progress when I quitted India. Some of the districts have been permanently settled, those especially to the northward of Madras, called the Northern Circars; others had been experimentally leased out for ten years, and on the expiration of those leases a different system, namely, that of settling with each individual for his own land, was introduced; it is called the ryotwar system.

1515. Did that experiment succeed, as far as you understood?—I had hardly an opportunity, from my short experience in the revenue department, of forming an opinion that would be of any value to the Committee.

1516. The former mode of settlement was a village settlement?—In some instances; in other instances the districts were divided into tracts called mootahs, of which the revenues were sold to certain natives, who collected the revenues from the several payers, having a profit themselves upon the totals so collected.

1517. What control had the Board of Revenue over those?—The controul of the Board extended only to the realization of the revenues. The native collectors were amenable for their acts to the Zillah court, and for any abuse of power.

1518. You are aware of a power of appeal from the Sudder adawlut to the King in Council?—Yes.

1519. What advantages do you suppose to arise from that, if any?—The appeals which have come home for a great many years past remain undecided, undoubtedly from the ignorance of the parties how to proceed, which has prevented their doing more than they have done.

1520. Consequently little or no benefit has been derived?—No benefit, but very great inconvenience; inasmuch as many

parties have made deposits which they cannot get released, even where they have compromised their suits.

1521. Do you conceive any advantage would be derived from the continuance of that right of appeal?—I think many advantages might be anticipated, if the appeal were rendered efficient.

1522. Can you state any particular case in which such inconvenience has arisen?—There are four cases in which the parties have compromised their suits in India; they have sent home notice of their compromise through the same channel by which they forwarded their appeals; in one case the total amount litigated is held in deposit, and in the others the sum deposited for fees, which amounts to about a thousand pounds, is held in deposit. The restoration of the deposits was refused to the parties in India, because the courts there had no knowledge of what was done by the court appealed to in England with regard to the suits.

1523. Have the agents for those parties made any application to the Privy Council on the subject of those appeals?—The parties have not appointed agents; it is not likely that they should do so.

1524. Are the parties to whom the communications have been made agents?—No. Under the Regulations established in India, when a party desires to appeal from the decree of the Sudder adawlut, he prefers his petition of appeal within six months after the decree has passed; and upon making certain deposits to answer the eventual costs of the appeal, and paying the expence of stamp paper, upon which two copies of his appeal are prepared, the court of Sudder adawlut cause two copies of all the papers, including the evidence of witnesses and the proceedings of the courts, to be prepared on stamp paper, and transmit those two copies to the Secretary to Government in the Judicial department, for the purpose of being transmitted to England, to be laid before his Majesty in Council. The Indian governments forward the packets to the Court of Directors, by whom they are sent to the Privy Council office, or to the Secretary of State. The parties in India, who are most of them persons resident in the interior, unconnected with English proceedings, and knowing little of England, but always accustomed to abide by the directions of their local rulers, conform as far as they are enabled to the regulation of the government; and, having done so, they conclude that when the documents under the seal of the court are transmitted through the Indian government to England, the Court of his Majesty in Council will take the case into consideration, and return a decision thereon. Such expectation is in conformity with the practice that obtained, as regards Madras, up to the year 1818; before which time an appeal was admitted from the decisions of

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the Madras Sudder adawlut to the Governor-general in Council at Calcutta. When the documents were so sent to Calcutta, a decree was returned, confirming or reversing that of the Sudder adawlut at Madras, without any thing being required to be done by the party. In like manner, the suitors unconnected entirely with England or English proceedings, are fully in expectation that the official transmission of their papers will lead to the decision of their case in England, and in that expectation they patiently wait.

1525. What is the date of the appeals to which you refer?—Upon an application made by the Court of Directors for permission to bring forward these cases on behalf of the suitors, the whole of the cases were sent to the India-House from the Privy Council office, for the purpose of being examined, and a report drawn up; and I was employed in preparing an abstract, stating the cause of action, the names of the parties, the amount sued for, and so on; and this list was submitted to the Company's law officers, and has been forwarded to the Board of Controul, for the purpose of being laid before the Privy Council. The papers are now in the custody of the Company's law officers. The earliest appeal from Bengal was on a decision that passed in the year 1799. There are twenty-one appeals from Bengal, ten from Madras, and seventeen from Bombay. Those from Madras and Bombay cannot be earlier than 1818, because it was in that year that the appeal was declared by the Regulations to be open to the King in Council. It was known before to European officers that the appeal to the King was a matter of right in the subject: this was not known by the natives.

1526. Is there a decision in any one of those?—There was a decision two years ago on a case of very considerable importance, in the Madras territories; the succession to the zemindarry of Ramnad. The appeal was decided *ex-parte*; and the appellant failing to make out his case, the decree of the Sudder adawlut was confirmed.

1527. Was the appellant a native?—He was.

1528. Who employed counsel?—An agent who was connected with a gentleman at Madras was employed in the case. It appeared to be by chance that the party became aware that he could take steps to forward the proceeding.

1529. Do you know what the expences of an appeal are, previously to the employing of an agent; the expence of the stamps and costs of the copies you referred to?—They vary according to the length of the appeal, in which there is a very great variety. I think, in one case, the stamps amounted to one thousand rupees.

1530. What proportion does that bear to the total expence of costs?—That expense is the same, whatever the nature or amount of the appeal.

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1531. Can you state the expense of getting an appeal to this country, previously to its being heard?—There is a fee, called the institution fee, which was formerly paid; it has now been commuted for a stamp duty. This fee was charged on filing any petition of appeal. The institution fee on a case of fifty thousand rupees, which is the smallest amount appealable from Bengal, would be about eight hundred rupees. The stamp duty for which that institution fee has been commuted, in a case from fifty to an hundred thousand rupees, would be one thousand rupees; above an hundred thousand, it would be two thousand rupees. This is besides the stamps on which the papers are copied.

1532. Can you state the largest amount of deposit?—At Madras the deposit for fees for eventual costs in England is eight thousand seven hundred and fifty Madras rupees, which is calculated to be equal to one thousand pounds. In Bengal, I think they take security for five thousand rupees. In Bombay it does not appear clearly what sum is fixed; general undertaking is given by sureties to be answerable for the costs of the appeal in England.

1533. Do you happen to know whether all those packages of papers containing the appeals have been forwarded to the Privy Council, or whether they have remained at the India-House?—I believe that all of the appeals received were forwarded; some have arrived since the transfer to the India-House, and they remain in the care of the Company's law officers.

1534. Is there any notice given to the parties in such cases?—No; there is no communication with the parties but through the Sudder adawlut, and I believe there has not been any communication with the Sudder adawlut from England, for the information of the parties: none was received while I was in the Sudder adawlut at Madras.

1535. What becomes of the money that is deposited in the meanwhile?—It remains in the hands of the Registrar of the Sudder adawlut, who pays the accruing interest upon it to the parties making the deposit.

1536. Does he give any security for the sums lodged in his hands?—No; the Registrar of the Sudder adawlut gives no security.

1537. Has he the use of the money during the time the appeal is pending, only paying interest for it?—No, he cannot use it; it is in the custody of the court.

1538. Is it invested in Company's paper?—It is only at Madras that the deposit is usually made in money or Company's paper: in Bengal security bonds are generally given. In a great case appealed from Bombay, regarding the succession to the estate of the minister of the late Peishwa, I believe a deposit of 10,000 rupees has been made by the parties. That is the only

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instance in which I have known of a deposit of available money having been made at Bombay.

1539. Do you know why twice the security is required at Madras that is at Bengal, and in a more inconvenient mode?—The fixing the sum has been entirely in the discretion of the court; but the court have little means of knowing what would be the expenses attendant on a suit in England, but they have fixed a sum, which, according to the best information they were able to obtain, seemed likely to cover any expense that would be incurred. I have stated that it is 5,000 sicca rupees in Bengal, which would be equal to about £600: at Madras it has been taken at £1000.

1540. Is the amount of the sum that entitles the parties to appeal to the King in Council the same in each presidency?—An appeal may be preferred from any final decision of the courts at either of the presidencies of Madras or Bombay for any amount; but the appeal from Bengal is limited to £5,000. Of seventeen appeals from Bombay not more than three or four are of an amount that would have authorized an appeal from Bengal.

1541. Previous to 1818, were appeals frequent to the Governor in Council in Bengal?—I believe there were not many appeals, but I do not know the number. The Sudder adawlut in Madras was only established in 1802.

1542. Were the people of the country dissatisfied with that mode of appealing?—Not at all.

1543. Can you state the grounds on which the mode of appeal was altered from the Governor-general in Council to the Privy Council in England?—It was from the recognition that the Governor-general had no power to decide appeals in the last resort. An appeal from the decision of the Sudder adawlut seemed of right to lie to the King in Council. A question on this subject was referred to the Advocates-general of the three presidencies, who were of opinion that the appeal would lie of right to the King in Council from Madras and Bombay, from any final decision, for any amount. I believe the reference arose on a case of some magnitude, which had been appealed to the Governor-general in Council; and the result was that his Lordship in Council declared that the appeal was no longer to be made to him, and directed the Madras government to publish a Regulation, declaratory that appeals would in future be transmitted to the King in Council.

1544. That was not arising from a feeling that the Company was frequently a party to those cases?—Not in the least.

1545. The appeal given in 1818 appears to be entirely nugatory?—As well as the right of appeal from Bengal, though limited to cases of a certain amount.

1546. Have there not been appeals in which the Company has been a party?—There is one now depending, in which the Bengal government are a party, in conformity with the provisions of the judicial Regulations, which require that in certain cases the government should themselves be defendants. There are other appeals, involving matters in which the local government or their officers have taken a considerable share; for example, the case of the Ramnad zemindarry, to which I have before referred, came necessarily before the Madras government for orders in the first instance.

1547. Would there be any mode of apprising the parties of the necessity of appointing agents for the prosecution of those appeals?—It might be done through the court of Sudder adawlut, who would send the communication to the parties; but when the parties should receive that communication it would be very difficult for them to conform to it, from their want of knowledge of English proceedings, and of connection with this country. It would be necessary for them, probably, to resort for assistance to the Attornies of the Supreme courts at the Indian presidencies, which would be a grievous evil.

1548. In what manner do you conceive the parties can repossess themselves of money they have deposited?—Only by a decision or order of the Privy Council.

1549. In what manner do you conceive the natives are less fitted to discharge the full duties of jurors than Englishmen?—They are so liable to be biassed both by hope and fear; the obligation of an oath lies so light upon them; and it would be so difficult to discover the existence of indirect and improper influence over them, or to controul it, that little reliance could be placed on a decision, if it was given (in the present state of their morals and feelings) under an impression that it would be final and decisive.

1550. Do you know whether they are anxious themselves to possess that right?—I believe not.

1551. You speak only with reference to Madras?—Only with reference to the Madras territories.

1552. Did you ever hear a suggestion of suppressing the Zillah courts altogether, by extending the authority of Provincial courts, and making the appeal direct from them to the Government in Council?—No.

1553. You were never in any other part of India but Madras?—No; except on a journey of pleasure; never officially.

1554. You have stated in the course of your evidence that the natives were inclined to inflict severe punishments; do you attribute that to a general severity in their disposition, or to the circumstance of their being connected by family or personal interest with or against the parties?—To a general tendency

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that the natives, when in power, have to exercise oppression over each other.

1555. Possibly, also, by reference to the barbarous punishment inflicted by the Mohamedan law?—Undoubtedly from the habits acquired, especially by native officers, under the Mohamedan government, and also under the Hindoo governments, which we have not been able yet fully to suppress. The natives have every reason to know that the British government discountenance, and are anxious to check every such abuse; but the habit has been so inveterate, and our controul so limited, in reference to the number of persons whom we can place in controul over them, that those habits have not yet been suppressed.

The witness is directed to withdraw.

Ordered, That this Committee be adjourned till To-morrow, one o'clock.

Die Veneris, 12° *Martii* 1830.

The LORD PRESIDENT in the Chair.

JOHN COTTON, Esq. is called in, and examined as follows:

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1556. WHAT has been your situation?—My situation has been always in the revenue line; I was for six years Collector of Tinnevelly, and subsequently seven years Collector, and principal Collector, of Tanjore.

1557. Can you state the different modes of revenue settlement in the presidency of Madras?—They are village and ryotwar settlements, and some zemindarry.

1558. Tinnevelly was a village settlement, was it not?—Yes; and so was Tanjore.

1559. Are you acquainted with the ryotwar settlements?—No; I have never been in a district where they prevailed.

1560. You do not know the advantages or disadvantages of that mode of settlement?—No.

1561. In what manner did you make the village settlement?—By assembling a deputation from each village, examining the accounts of previous years, and forming an average of produce, and commuting the government share of that by an average price into a money settlement.

1562. You had no survey or valuation?—No; no survey or valuation.

1563. If any body was dissatisfied with his settlement, what was the remedy?—He did not sign the agreement of rent; of course he had the option.

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1564. If any persons felt aggrieved with the settlement, had they any mode of arranging otherwise?—They merely declined signing the arrangements of rent, and had a share in the division of the produce, their villages being continued under what we term aumanie management, which is a superintendence by government servants of the cultivation and produce.

1565. In case of a complaint of over-assessment, was it rectified?—It was rectified; in fact it was quite optional with the people to agree or not.

1566. For what term of years was the settlement made in Tinnevelly?—The last settlement was for ten years. I did not make any settlement in Tinnevelly; I found a ten years' settlement there.

1567. Had that been the usual course?—No; previous to that there was a three years' settlement, and before that annual.

1568. In Tanjore, was it a three years' settlement?—It was first annual for two or three years, and then triennial; afterwards there were two settlements of five years each, and then again annual for two years.

1569. Was there any difference in the mode of settlement between Tanjore and other places?—Not in these settlements. The last was a settlement peculiar to Tanjore, formed about four years before I quitted the district. It was on an assumed standard produce, taken from the produce account of former years; and in consequence of the great diminution in the price of grain, a revision was made of that, and a standard price was assumed from the average prices of the three or four years preceding the settlement. Thus a standard produce and a standard price being fixed, a division was calculated of the produce between the inhabitants and the government, according to the established rates; and the government share of the produce being then commuted into money at the standard price, the settlement in money was formed. The price of grain in each year was then to be compared with the standard price. When it fell below five per cent. a deduction was to be allowed, and when it rose above ten per cent. an addition was made to the settlements.

1570. Did the revenue increase or diminish under your new settlement?—It increased; from an increase of cultivation, and an increase in the assumed standard produce.

1571. The revenue of Tanjore increased considerably from the increase of cultivation?—The standard land revenue is much about the same, but from other branches of the revenue it has considerably increased.

1572. Have the charges of collection increased?—No.

1573. What proportion did the charges of collection bear to the gross collection?—Between four and a quarter and four and

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1574. Tanjore is full of manufacturing population, is it not? —There are some manufactures, but not to any great extent, both of silk and cotton, but they are chiefly for the consumption of the district.

1575. Had the importation of cotton manufactures of England had any operation upon that part of the country?—I cannot say that it had.

1576. The property is very much divided in that district, is it not?—It is very much of the same nature as that in Malabar; a proprietary right vested in the inhabitants.

1577. Is there much trade?—There is a considerable export and import trade by sea there.

1578. To what places chiefly?—To Bengal and to the eastward; to Acheen.

1579. From what port?—From Nagoa and Negapatam.

1580. What are the chief exports?—Cloths, from that and the neighbouring districts.

1581. That trade continues, does it?—It has fallen off very much; I have known of persons going to the eastward with a cargo, and not being able to meet with a demand for their goods at prime cost, in consequence of the supply of British goods.

1582. In that manner the supply of English cloths has interfered with their trade?—Yes.

1583. The manufacturers have of course felt that?—Of course they have.

1584. What is the population of Tinnevelly?—I cannot charge my memory with that.

1585. What is that of Tanjore?—It is about a million, including the rajah's villages.

1586. What is the average proportion of the share the government derived from the village assessments?—Fifty per cent.

1587. Had you any thing to do with the settlement of the Polygars?—No; a settlement was made with them previous to my going into the district of Tinnevelly.

The witness is directed to withdraw.

THOMAS CAMPBELL ROBERTSON, Esq. is called in, and examined as follows:—

T. C. Robertson, Esq.

1588. What situation did you hold in India?—I was First Assistant in the Judicial department in the division of Dacca from the year 1810 to the middle of 1812; after that I was in the same department in the division of Patna until the end of

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1816 or the beginning of 1817, during which period I was Judge and Magistrate of the city of Patna for one year, the year 1816. After that period I was Judge and Magistrate of the district of Cawnpoor till September 1823. Shortly after that, I proceeded to Calcutta on leave of absence, when I was appointed Commissioner in Chittagong, where I remained, and at Arracan and Ava, until April 1826. After my return to Calcutta, I was employed for a few months in revising some trials on capital cases that had been sent down for the revision of government by the Commissioners in the new territories on the Nerbudder. That was the end of my service in India.

1589. You had no share in the collection of the revenue?—For a very short time in the year 1814, in the district of Ramghur, I had charge of a very small collection of about a lac of rupees from the wild hill provinces contiguous to the province of Bahar.

1590. Were you well acquainted with the police in those districts?—Yes.

1591. Was the police sufficient in the lower provinces?—It had many defects; but it has been, I have reason to think, very greatly improved since the period when I was there. It is near eighteen years since I was employed in the judicial department in the lower provinces. That was in 1812.

1592. At that time it was hardly enough under the controul of the judicial authorities, was it?—At that period the authority of the original landholders had been considerably weakened by the effects of the system introduced by Lord Cornwallis in 1793; by the effect of the sale of lands, and the introduction of strangers into the possession of lands. The new system, which might be regarded as an artificial one, perhaps had not attained sufficient consistency to be so efficient as I have reason to believe that it has since proved.

1593. That deficiency was from the want of influence in the persons holding the land as zemindars, was it not?—No; I do not think it was so much the want of influence as the want of will. There was a reluctance on their part to co-operate with the police; and a great number of them were non-residents, new men who had acquired the land by purchase.

1594. What was the state of the settlement at Cawnpoor?—The assessment, I think, could not be described as severe, at the same time it was certainly high; but in its introduction it had been attended with many abuses, which have since been corrected by the appointment of a special commission, which arrived in 1821 in Cawnpoor and Allahabad.

1595. You are acquainted with the existence of those abuses, are you not?—Perfectly.

1596. Can you state to what extent they were carried?—I

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should say that very nearly two-thirds of the district had, in the course of the first ten years from the time of our acquisition of those provinces, passed from the legal owners into the hands of men connected with the Revenue department in the Collector's office.

1597. They were sold for non-payment?—Partly so. I can detail in a few words the whole process of the fraud. The Regulations were suddenly introduced with all their forms, and perhaps at that time none but the men immediately about the public offices were at all acquainted with their provisions, and none certainly of the people in the interior could have the slightest conception of that precision which those forms required and exacted of them. For instance, no man could suppose that for non-payment on a certain day, or the nonfulfilment of some condition in a printed law, his estate should go from him. The books that were at that time made out in the office of the Revenue department contained two columns, one headed *Malik*, an Arabic word meaning proprietor; the other *Mustajir*, an Arabic word meaning farmer. The village landholders received their pottahs or leases for three years, frequently without paying any attention to the value by which they were designated, because it appeared to them quite immaterial, they regarding the word lease as only meaning that they should hold their land at that specific rent for the period therein stated. Others again did receive their pottahs under the name of owner or proprietor; but they were both nearly equally exposed to the frauds that were afterwards practised upon them. At the next settlement, at the expiration of three years, the native collector or Tehsildar reported to his European superior that the person with whom the first settlement had been made was only a farmer, and that that would be found to be the case by reference to the Persian books which he had in his office. In too many instances this report was acted upon at once, and the person then recommended by the Tehsildar as being the real proprietor (who was always a man with a Mohamedan name) was immediately recorded as proprietor in the Collector's books, and received a lease for the next three years. This person was almost invariably a relation of the Tehsildar; very often, however, he was a mere nonentity—a man of straw, no such person existing; and in every instance the Tehsildar himself took immediate possession of the lands, whatever the name was that might have been recorded. Succeeding so well in the second triennial settlement, upon the third settlement it was carried to a greater extent. The same species of fraud was repeated, with the addition of fraudulent sales; sales for alleged arrears which really were not due, which the Tehsildar had himself collected, and which he falsely reported to be due. In those sales the purchases were effected by some person, a servant of the Tehsildar, sometimes in the servant's own name, and sometimes

in a mere imaginary fictitious name. With a view of enabling the Tehsildar himself to take possession of the lands, they then executed a number of deeds of sale. The persons recorded in the first instance, in whose favour that fraud was originally perpetrated, executed a deed of sale to another, and he to a third person, till at last the Tehsildar resigned his office, and took possession of the lands in his own name.

1598. Could this have happened without the connivance or neglect of the Collector?—I am afraid it could not have happened without some degree of neglect; but it is at the same time to be observed, that, at that early period, the people were probably reluctant to approach the European officer, whose character his native subordinates designedly represented to them in the most terrifying and repulsive colours.

1599. What measures were taken to remedy this, when discovered?—The evil stopped in 1813, when Mr. Newnham was appointed Collector of the district. He did all that was in his power to redress the parties that had been injured; but his superiors in the Board of Commissioners of those provinces did not conceive themselves warranted in ejecting any man who was in possession, and the parties ejected fraudulently in the previous years were all referred to the civil courts for redress. The Board of Commissioners in 1813 considered themselves incompetent to eject any men whom they found in possession; and so, without entering into the merits of their tenure, concluded the next settlement with them.

1600. Did those cases come before you in your judicial capacity?—They did, afterwards.

1601. Were you authorized to do justice?—In the beginning of 1817 I arrived in Cawnpoor. I think one of the very first cases I had before me, as civil Judge, was a suit on the part of a Zemindar against a Tehsildar, or rather a man who had been formerly a Tehsildar. The case appeared to me perfectly simple, and, on investigating it, I decided in favour of the plaintiff. My attention was attracted at the time by perceiving the sensation the decision made in the court; and this led me to inquire farther, and I found that there were a great many similar cases which had been instituted previously in the court, in consequence of the parties aggrieved having been referred to a judicial authority for redress. Most of the plaintiffs had been nonsuited, on what appeared to me to be very insufficient grounds, *viz.* that all the relations had not prosecuted; whereas the ramifications of a Hindoo family are so numerous, that it is perfectly impossible that all the relations could prosecute on any one case of the kind. Shortly after, I had occasion to make a tour of my district for police arrangements, and I gathered a great deal of information on that tour from the original Zemindars themselves; and on returning to the station I de-

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voted as much time as I could spare from other avocations to the trial of all suits of that nature that I found on the file. The decisions which I passed in favour of the original Zemindars were almost all reversed immediately by the Court of Appeal at Bareilly. The unsuccessful suitors then applied to the Sudder in Calcutta, by special appeal; and some of them, I think, travelled twice up and down all the way to Calcutta and back again, in hopes of obtaining a revision. As it appeared to me that there was little hope of their obtaining adequate redress in the judicial department, I, in the year 1818, first of all reported a case to government directly. In that year no notice was taken of that report, so well as I remember; but the evil still going on, I, in the year 1820, again reported it to government, when it was taken into serious consideration, and the Regulation of 1821 was in consequence passed, and a special commission appointed to investigate into those grievances.

1602. Was the report made by you directly to government?—Yes. I accompanied my report with translations of the decisions which had been passed in the cases; I selected three or four, as best shewing the extent and nature of the evil which existed.

1603. Did you say the Sudder at Calcutta did not decide upon the appeal of the Bareilly court?—They did not in the first instance. They were special appeals, which the Sudder were not bound to receive without some special ground alleged for their reception; and in the first cases that went down the special appeals were all rejected. Some appeals were afterwards admitted.

1604. Subsequently a commission was appointed?—Yes, in 1821. At that very time there were several cases pending in the Sudder court, which probably would have been redressed there, but they were removed to the commission. The proceedings were taken from the Sudder court, and sent to the commission.

1605. You were not in the commission?—No, I was not.

1606. Who was at the head of the commission?—Mr. Wilberforce Bird; Mr. Hugh Christian was the other member. I believe there was afterwards a third, but that was after I left Cawnpoor.

1607. Do you know whether those oppressions and frauds you have stated have been suppressed, since the commision has been appointed?—I have every reason to believe that the most perfect redress has been given; but as I have not been there since, and left that part of the country while the commission was still sitting, I cannot speak from my own knowledge.

1608. How long had they been sitting when you left?—I left in September 1823.

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1609. They had been sitting more than a year when you left?—Yes.

1610. There was also a Sudder special commission in Calcutta, was there not?—Yes; to which appeals could be presented from the Mofussil commission.

1611. Do you know what distance those persons have to travel from Cawnpoor to Calcutta?—About six hundred miles; and many of them, to my knowledge, went down twice.

1612. What were the grounds on which the decisions were reversed at Bareilly?—It would be difficult to state the grounds. Where the fraud had been practised by means of public sale for alleged arrears, the only ground for reversing the decisions that I can remember was that nothing could reverse a sale; that it was an irreversible measure; that the government's faith was pledged for it, and therefore it could not be reversed; that there were certain provisions in the Revenue Regulations whereby at the time of the sale the parties aggrieved by it might have obtained redress in that department, and consequently that after the lapse of years they could not be permitted to question the sale by means of a suit in court.

1613. What was the reason that the appeals were rejected at Calcutta?—As not affording any sufficient ground for a special appeal. There was at that time a particular Regulation in force as to special appeals, specifying the circumstances under which such appeals could be received. They could not be received on the general merits of the case. It was required that there should be an allegation of some legal flaw or omission in the first decision, and not merely a statement of the grounds upon which it was considered to be unjust.

1614. Some of the appeals sent to Calcutta, you state, were rejected, and some afterwards entertained?—Yes.

1615. Was that in consequence of some new Regulation made on the subject?—I rather think that the first report I sent to Calcutta to government was by government sent to the Sudder, and I am inclined to think the appeals were afterwards received, in consequence in some degree of that report; but I cannot speak positively. I remember, however, that in one or two cases the Board of Commissioners in the upper provinces directed the Superintendent of Lawsuits in Calcutta to present petitions on the part of government to the Sudder court, praying that the decisions passed by the Court of Appeal at Bareilly might be revised. These applications were, I believe, in two or three instances successful.

1616. What was the result of those appeals that were entertained and inquired into?—I remember one decision being passed in favour of the original Zemindar; I cannot remember more. There was not time for much more, because the special commission was appointed so soon after that the cases pending

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before the Sudder were removed to the jurisdiction of the special commission.

1617. If they had decided in that way, what reason would there have been for supposing these could not be redressed in the common courts of law?—Those decisions were after my special report to government, and the redress thus afforded would have been too tardy for so extensive an injury, inflicted on the people by the officers of government in the most simple and summary manner.

1618. What was the expence the parties might have been put to who went through the several courts, and appealed at last to Calcutta?—They might probably bear a proportion to the law expences in other parts of the world; I think they have been calculated at thirteen per cent. upon the whole property litigated.

1619. Did they appear by themselves or their agents?—They could appear by their agents, but in general they preferred going down themselves.

1620. Was not the expence of that great?—The expence was not so great an inconvenience as the absence from home. The expence might have been considerable, but the natives travel very cheap.

1621. What is the expence of a common suit in a civil case brought before the civil Judge in the district, and decided by him?—The exact rate per cent. I cannot precisely state from memory; but I think about thirteen per cent. has been the calculated average rate of expence: but I cannot from memory state it at this moment.

1622. Does that include the expence of the agents; the Vackeels and persons he employs?—Every expence of both parties is included.

1623. You spoke of the police in the lower provinces where you were; what is the latest period to which you can speak to the state of the police?—Up to the year 1823, when my judicial services ceased.

1624. Where were you at that time?—In Cawnpoor.

1625. What was the state of the police at that time?—I was Magistrate of the district. I am inclined to believe, from the opinions expressed by my superiors, that they were satisfied with it.

1626. Did gang-robbery prevail?—Gang-robbery did exist; but it was an offence which was committed, not by people of the district, but by gangs that came from the King of Oude's territory. They were almost all inhabitants in the jungle forest to the north of Oude.

1627. Were other offences frequent?—They were certainly frequent, though yearly diminishing. The other great offence

was thuggee, or murders by professional murderers on the highways; a singular offence, peculiar to Upper India. 12 Mar. 1830.

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1628. Did it prevail to any extent?—It prevailed, I think, to the extent of about ten in the year, which was the average when I left the district. There had been forty of these cases during a single year before.

1629. Can you speak at all to the comparative degree in which those offences prevailed, at any distant period before that, and at that time?—The exact number I cannot remember, but the impression upon my mind is that there was a considerable diminution in the number of gang-robberies. Two or three a year was, to the best of my recollection, the average at the time I left; and of the thuggee a very considerable diminution had taken place, greatly in consequence of measures which I had myself carried into effect, in concert with the neighbouring Magistrates. In revising the cases sent to government in 1826, by the Commissioner on the Nerbudda, I found that whole gangs of thugs had been apprehended in his jurisdiction, who were natives of Cawnpoor and the adjacent districts, whence they had been induced to remove, in the hope of finding more facility of committing their depredations in a recently acquired territory than in one which had been long under British rule.

1630. The district was under a zemindarry settlement, was it not?—Yes.

1631. Had the zemindar any thing to do with the police?—No great degree of direct power, but a great deal of indirect influence.

1632. How many zillahs were under you?—Only one; the zillah of Cawnpoor, which I had charge of.

1633. How many villages are there in the district?—I think about 2,000.

1634. What is the number of police officers under the present establishment?—I should think altogether from 250 to 300; perhaps 300.

1635. Those divided among 2,000 villages?—Yes; I refer to the stipendiary officers of government.

1636. Were there any other persons existing in the village but those?—Every village has its watchman; it is part of the constituted establishment of an Hindoo village. The watchman is likewise a kind of messenger to the village.

1637. Does he assist in the general police of the country?—He may be made to assist considerably, under proper management; but sometimes he was the most formidable person to be apprehended in other villages. He was often in league with thieves of other villages, if he did not commit theft in his own.

1638. Except with respect to his own village, he was a pro-

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fessed robber?—He was too often so, or rather a thief; but he might be made very useful indeed.

1639. Was any attempt made by the Judge to convert them into useful officers?—I think it greatly depended on the management of the landed proprietors. If a stranger was in the village, as, for instance, in one of those villages where the original owners had been ejected, and strangers had obtained possession, I think the village watchmen hardly ever were of any use; but where the original land-owners were left in possession, and allowed to retain a certain degree of authority over the village watchmen, who were men of the lowest caste, I found that their services were of great use.

1640. Have you observed that the good order of the country was much better preserved where the old possessors of the soil remained than where new ones were introduced?—I should certainly think so; and I can mention two instances which afford a remarkable proof of it. There were two Pergunnahs (certain divisions of the district) in which no stranger had intruded at all, by accident, in some degree I think. When I left the district, I had a great number of civil suits depending, of which not one originated in one of those divisions, and only one or two in the other; and, to the best of my recollection, the police in those two divisions was about the very best in the whole district.

1641. What is the pay of the Tehsildar?—It varied very much. At the time those frauds were practised, I know that they had very handsome allowances; I think ten per cent. upon the collections. At present it is much less.

1642. What is the population of those 2,000 villages to which you refer?—I cannot speak with confidence to that, but I have generally heard the whole district calculated as containing nearly a million.

1643. Was the population almost entirely Hindoo?—Yes.

1644. Did Europeans resort at all to Cawnpoor who were not in the service of the Company?—A great many.

1645. Under licences as commercial agents?—Yes; several tradesmen, and some as indigo planters.

1646. Were those under licences from the Company?—Yes: there were also one or two foreigners—French.

1647. Do you know on what conditions those licences were granted?—The usual conditions prescribed by the last Act of Parliament. They obtained a licence in Calcutta, which they brought with them. There was no other condition, except that of not being permitted to purchase land.

1648. Did they require a licence, also, from the local government?—They always received the licence from the Secretary of Government.

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1649. Are those licences to go to any particular district, or a general licence to go beyond the limits of Calcutta?—The licence they received in Fort William is to go to a particular place; and if they wished to remove, they must apply for another, although that is constantly dispensed with in practice; and they do move occasionally, without attending to that formality, which is not very rigidly enforced.

1650. Are they under any superintendence or regulation?—No; none but those prescribed by the Act of Parliament.

1651. Have you known instances of those licences being revoked?—I do not remember one in that part of the country; indeed I do not remember one in my own experience.

1652. Was the number of British commercial agents resorting to those provinces increasing?—There was not any great increase in my own experience; during the time I was there, there was no remarkable increase certainly.

1653. Do you know how the upper provinces are supplied with salt?—A good quantity comes from the western part of India; it is called Bulumba salt, I think, and it is also brought from Bengal; but I cannot speak with much precision to this point.

1654. Do you know under what regulations the salt is manufactured which does not come from Calcutta?—I am not aware; there was none manufactured in the immediate vicinity of the district I was in, and I do not recollect having my attention called to the subject particularly.

1655. Were the appeals from the court at Cawnpoor to Calcutta of frequent occurrence?—There was no direct appeal to Calcutta; the appeals from Bareilly were frequent.

1656. Were the people deterred by the idea of expence?—Not the village Zemindars; they are most persevering in the pursuit of their object, and they will not be deterred by any consideration from attempting to accomplish it.

1657. Is it your opinion that the distance of the upper provinces from the presidency materially interferes with the course of justice and of government?—I think it does to some degree; to a considerable degree. I should think that the appointment of a court of final jurisdiction in the upper provinces would be a great benefit to the country.

1658. You are aware of the system of appeal which exists in India from the lowest court to the highest?—Perfectly, as it existed in 1823.

1659. Do you think that is one of the circumstances which leads much to the prevalence of litigation in India?—I think there is an erroneous opinion current, that a series of consecutive appeals is regularly allowed. There is but one regular appeal allowed; any second appeal must be on special grounds.

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The parties have no right to demand that a second appeal shall be received, consequently I cannot see how those second appeals can lead to excessive litigation. It is left to the court applied to to receive or reject such application, as it may think right.

1660. Is not indigo cultivated to a very considerable extent in the province of Bahar? – To a very great extent in the districts of North Bahar.

1661. The soil and climate of Tirhoot is particularly favourable to the cultivation, is it not?—It is.

1662. Do you conceive that that cultivation has been very beneficial to the interests of the inhabitants within the district?—Decidedly so; it is impossible to look at the districts without being struck with its high state of cultivation, and the quantity of forest land which has been brought under the plough; which would not have been, I conceive, but for the funds received from the indigo planters, who raised indigo on the ground which had been previously given up to corn.

1663. Do you think that has been favourable both to the increase of wealth and the increase of civilization among the natives?—To the increase of wealth unquestionably. With regard to the civilization of the natives, I cannot speak with confidence, as I have never been in that district since 1814, and never resided in it sufficiently to become intimately acquainted with the natives; but most certainly it has contributed to the wealth of the country.

1664. Have you had any opportunity of knowing whether the general habits of the people have been improved by that increase of wealth?—I have not had any opportunity of forming any opinion upon it. I am speaking of the district of Bahar.

1665. Are you aware whether the collection of the revenue has been very much facilitated by the cultivation of indigo?—I should think, from a circumstance which I recollect, that it has. I recollect once, in the year 1814 I think, being out on a hunting party with some of the planters of indigo, when a native came up to apply for the sum of 30,000 rupees, if I remember right, which he wanted to borrow to pay the Collector for sums which were due to government. The transaction was terminated in the tents. The native received an order for the money, and gave a promise to cultivate indigo on a certain portion of ground, and with this money he was, I have understood, enabled to pay off the arrears due to government. I infer from that circumstance that the commercial intercourse between the planters and the natives does in some degree facilitate the realization of the revenue of the district, as might be expected also from the quantity of money by the former brought into circulation.

1666. Would not such a circumstance tend to diminish fraud and other habits of a vicious nature to which the inhabitants are

peculiarly prone?—I certainly think any well-regulated intercourse with Europeans must have the greatest tendency to produce that result. 12 Mar. 1830. T. C. Robertson, Esq.

1667. And also an increase of wealth?—Yes; but it must be with respectable Europeans, otherwise I think it will have the effect of deteriorating rather than advancing the natives.

1668. Do you mean that it should be inferred from that, that the general habits of Europeans who are settled there are of an unfavourable description?—Certainly not, generally; but I do think that Europeans of the lower order are sometimes apt to lose all that is good in the European character, and to acquire all that is bad in the native character, in India.

1669. What do you mean by the lower order?—I mean men who have not the education, feelings, and manners of gentlemen.

1670. Do you mean to include in that number persons who have found their way to India without a licence from the East-India Company?—Yes, and some who have had a licence; for a licence is no certain guarantee of respectability.

1671. Do you know the number of European settlers now established at the province of Bahar?—I cannot speak with certainty to that point; I know the number in Tirhoot alone was about forty.

1672. Are you aware of any inconveniences which have resulted from the cultivation of indigo?—None in that quarter certainly; I never heard of any worth mentioning. Of course some little inconveniences occasionally might arise, but none of consequence.

1673. Is sugar grown to a great extent in that district?—To a great extent.

1674. Is machinery used in that cultivation?—It has, I believe, been tried. I have been informed that the West-Indian machinery was introduced by a gentleman in that district, and that it was found that it did not extract so much from the cane as the common simple machinery of the natives; and I believe the gentleman who established it was a very considerable loser. His loss, certainly, was ascribable to the rate of duty leviable in Europe upon East-India sugar; because he made it for the use of the commissariat for manufacture of rum; and I have been told that it was a decided failure.

1675. Did you hear in what respect the West-Indian machinery was less effective than the native machinery?—No; I am not competent to answer that; I do not understand machinery; I merely was told that such as I have stated was the result.

1676. Are you aware of the machinery which is used in the

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West-India islands having been introduced into any other part of India?—I never heard of any other instance but this one.

1677. Do you conceive that the cultivation of sugar in Bahar is not susceptible of improvement? - Of its improvement I am not competent to speak, as I have not been in those provinces since 1814; but I should suppose it would keep pace with other cultivations.

1678. There is very little machinery required for the cultivation and the preparation of indigo, is there?--Not much machinery, probably, but expensive establishments are required. They are on a very large scale in the district of Tirhoot. The vats are all of brickwork, and so are the storehouses; and as they manufacture at home in that district, their establishments are on a very large and expensive scale.

1679. Are a high degree of skill and ingenuity required for the construction of that machinery?—No, certainly not; indeed there is nothing that could properly come under the designation of machinery. It is a large establishment of vats and storehouses and drying-houses; but there is nothing that I should suppose properly could be designated as machinery required in the manufacture.

1680. It consists of a species of labour easily supplied by the natives themselves?—Very easily.

1681. Could the cultivation of indigo be easily increased in Bahar, if additional licence were given by the Company?—Through Bahar I should doubt whether it could be greatly, most especially in Tirhoot; but I would not be understood to speak conclusively upon the point, not having been there for many years.

1682. Do you know any thing of the cultivation of silk?—No.

1683. Or of cotton?—Cotton, I know, is cultivated to a certain extent in the upper provinces of India, but I am not minutely acquainted with it. The plant is to be seen in most villages.

1684. Does that depend upon the nature of the soil?—Yes, of course; all the crops in India depend upon that to a great degree.

1685. You spoke of professional murderers; is the revengeful feeling that leads to assassination very prevalent among the natives?—No, certainly not; those professional murderers murder for gain alone.

1686. Do they murder for what they can obtain from the individual?—Yes; I never met with an instance of a hired assassin in India.

1687. Does slavery exist in the district of Cawnpoor?—Domestic slavery exists; but of an agricultural slave I do not recollect a single instance. When I speak of domestic slavery, I

mean that status which I must call slavery for want of any more accurate designation. It does not, however, resemble that which is understood in Europe to be slavery; it is the mildest species of servitude.

1688. Have the goodness to describe the nature of that?—The domestic slaves are certain persons purchased in times of scarcity; children purchased from their parents; they grow up in the family, and are almost entirely employed in domestic offices in the house.

1689. Are they liable to be resold?—No, certainly not; I never remember an instance of an avowed sale of slaves. I have known attempts made to kidnap children, and send them over to Lucknow; but then that was an illegal act, done clandestinely, as any other illegal act would be.

1690. Are those domestic slaves capable of possessing property?—I should say not, as far as my own recollection goes. I never remember an instance being brought forward in which it was tried; for they are almost always so contented with remaining in the house of their masters, on whom they always have claims for support, that I cannot remember a single instance of a slave claiming property as independent of his master. I do not think that, by the Mohamedan law, they would be able to hold property.

1691. Did any cases of enfranchisement come within your knowledge?—I have known persons, who have sold their children in times of scarcity, come to redeem them; paying back the purchase, and requiring to have them back. I do not think that they have, by the Mohamedan law, a legal claim to have them back: but I always continued to give the children back, when the claim was made to me.

1692. That was a personal act of your own, you having had influence to effect it?—Yes; I found that the most easy way to effect it.

1693. Is slavery recognized by the Hindoo law?—It is.

1694. Is there a power of redemption under that law?—I am not aware of it, but there is a certain species of slavery in South Bahar, where a man mortgages his labour for a certain sum of money, and this species of slavery I found afterwards in Arracan and Ava. It is for his life, or until he shall pay the sum, that he is obliged to labour for the person who lends him the money; and if he can repay the sum, he emancipates himself.

1695. Have their masters any power of punishment?—None recognized by our laws. Whatever may be the provision of the Mohamedan or Hindoo codes to that effect, it is a dead letter; for we would not recognize it. The master doubtless may sometimes inflict domestic punishment, but if he does, the slave

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1696. Did you, under the Regulations under which you acted, feel justified in punishing the master if he did inflict personal correction?—Most unquestionably.

1697. Has there been any alteration of late in those Regulations?—I am not aware at all of the Regulations since 1823, as I have been employed in another department. I am not aware of any particular modification, excepting more severe regulations regarding the exportation and importation of slaves. I recollect a severe enactment being passed not very long ago upon that subject.

1698. What act do you allude to?—A law of the Bengal government. I cannot speak very positively, but I think there was a law increasing the punishment, in cases of exportation of slaves, of the persons convicted of that offence.

1699. Applicable only to that government, of course?—Just so; but I cannot speak very positively to that. I am not sure whether I am speaking of a letter I have received, or a printed Regulation.

1700. Describe what you mean by exportation and importation of slaves?—Sending slaves to foreign states, to Lucknow, and to the Mahratta states, across the Jumna.

1701. It is all land exportation?—There are Regulations, I believe, at Fort William, regarding the exportation and importation by sea; but I cannot speak positively to those.

1702. Has it come to your knowledge that a considerable importation of slaves has been made by the Arabs?—No; I have never been in a situation to acquire information upon that subject.

1703. Are the slaves employed in a severer species of labour than the other natives?—Certainly not; quite the reverse. In Upper India they are employed in domestic labour entirely, and I suppose it is the very mildest of all species of servitude in the country.

1704. Do you think so mild a species of servitude holds out any strong inducement to seek enfranchisement?—No; I am inclined to think that if enfranchisement were bestowed tomorrow on all slaves in that part of the country, it would be a very unacceptable boon; but in regard to those who have mortgaged their labour, they probably would be glad to be emancipated on the best terms.

1705. What becomes of the slaves in case of a master becoming insolvent; failing to pay the government collection?—I think they would pass to his relations. I do not remember a single instance of an application for a sale of slaves in such a case in Upper India. I think they would apply to his nearest

relation to support them, for they conceive they have their claim for support on the master and his family. 12 Mar. 1830.

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1706. Has it come to your knowledge, where the property has been advertised for sale by the Company, that slaves have also been sold with the property, or separated from it?—I should certainly suppose they would be separated from it, except in Southern Bahar, where the agriculture is carried on by them; there it is possible that if that property were sold the slaves would pass with it; but I do not remember an instance of a transfer of the sort.

1707. Has it come to your knowledge that any slaves have been sold?—It has certainly, in Ramgur, in South Bahar, where they would probably pass with the property, because they are agricultural slaves.

1708. Where domestic slavery alone exists, you think they would not?—In domestic slavery I should think they never would pass.

1709. Then what would become of them?—They would become like other labourers, I should apprehend.

1710. Would they be emancipated by the death of the person to whom they were slaves?—By the mere absence of a person having authority over them, they would fall into the common mass of the people. I do not think any legal form would be necessary to transfer them from one state to the other.

1711. What becomes of the children born of those parents who are slaves?—They are still regarded as slaves; but not in the case of agricultural slaves, in which the transaction originates in a species of mortgage, that being a mere personal obligation.

1712. When you speak of agricultural slaves, you speak of those who have mortgaged their labour; that applying to the district of Ramgur?—Yes.

1713. You cannot speak positively to what becomes of domestic slaves in case the owner dies or becomes insolvent, or as to whether he has a right to transfer them?—If he died without heirs, I should think they would be emancipated by that circumstance; if there were any heirs, I think they would pass to them; but otherwise I should say they would become free, from the absence of any person to exercise a claim over them.

1714. All property is divided among the children in equal proportions, is it not?—Certainly not all; that would be too general an expression: it would require to define the nature of landed property. Personal property is very commonly divided in that way, but not real property.

1715. Are slaves personal property?—Yes, I conceive that I should regard them as such; and it is very common for them

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1716. Is the will of the slaves consulted in such an arrangement?—I conceive it is, repeatedly.

1717. Is it necessarily so?—I do not know that it is absolutely necessary, but I should conceive it was constantly considered, from the very few cases, or rather the absence of any cases of complaint arising out of such transactions, to the best of my recollection.

1718. Is the master of the family entitled to sell the children of those domestic slaves?—Certainly not; he cannot sell them any more than he could sell the original slave. I have never known an instance of a domestic slave being sold. I think that it would be reckoned highly disreputable, independently of all legal considerations. It is regarded, I conceive, as a point of honour to maintain the slaves in the family; and that it would be reckoned disreputable in a native of any pretension to character tó sell his slaves.

1719. Does the law recognize the purchase of them as children?—Certainly.

1720. Would it not recognize the sale of that which had been bought?—No, I do not think it would; for the purchasers incur the obligation of educating and bringing up the children, in return for which they get their services.

1721. By the Mohamedan law, has the master of a family any right to sell slaves?—I cannot answer distinctly as to the provision of the Mohamedan law; but certainly it is not recognized in our code of laws in the Bengal presidency. I do not remember a single instance of it.

1722. Is it permitted by the Hindoo law?—I really cannot answer positively; I think not. I have never had occasion to refer to either the Mohamedan law or the Hindoo law, but guided myself by the printed laws of the government.

1723. Is it expressly held out by the printed laws of the government?—I do not remember an express prohibitory provision in the printed laws to that effect.

1724. Does the Code of Regulations at all recognize the existence of slavery; is there any express mention of the state?—Yes, it is mentioned and recognized, certainly, in the very Regulations which prohibit the exportation and importation of slaves.

1725. You state that the property is not necessarily divided between the children; will you state whether there is any right of willing property away?—The right exists, unquestionably; but wills are very seldom resorted to by the natives. I believe that they very commonly execute a deed of gift, and sometimes very shortly before their death making over the property to the

person whom they intend as the heir; and generally the testator or donor remains in possession till his death, and the deed lies dormant until that period. It is virtually a will, though not formally so.

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1726. The common practice, where such a deed has not been executed, is an equal division among the children, is it not?—According to the particular provisions of the Mohamedan or Hindoo law; according as the parties are of one persuasion or the other; there is a slight difference in their provisions in that respect.

1727. By the Mohamedan law females do not inherit, do they?—They do in some cases inherit. The widow, for instance, is entitled to one-third, where there is no provision to the contrary; but it is necessary always to distinguish between real and personal, because real property requires a separate explanation.

1728. Have the goodness to state the distinction?—The landed property in Upper India may be said, in my opinion, to belong to the community of the village. These village communities are, in the district of Cawnpoor, mostly headed by families of the Rajepoot caste. One man is often the senior and managing owner of the village, though in many cases he has several recorded partners and colleagues. These individuals obtain, either by descent or sometimes by their personal influence among those of their own caste, a superiority in the village and the management of its affairs. Those of their family and caste have certain privileges, and certain portions of the produce; and then again the other lands are let out to men sometimes in the same village, sometimes in the neighbouring village; while certain portions and certain rights are possessed by the different craftsmen or artisans; such as the schoolmaster, the washerman, the watchman, the carpenter, the blacksmith, who have each a right to a certain share in the produce of the soil. A remarkable instance I can mention of the manner in which the natives in that part of India regard property of this kind, which occurred, I think, about the year 1818, or it may be in 1820. A village had some years before been put up to sale, for a balance of 700 rupees due to the government, and as no purchaser appeared, its was bought in by the government for a nominal price; one rupee, I think. The people then subscribed together; almost the whole village subscribed in small sums, as low as two or three rupees, to make up this sum of 700 rupees; and they went or sent their agent to the collector's office to pay this money, and get the name of the managing owner replaced in his records. The man was accordingly reinstated in his office as manager of the village, and in about a year afterwards sold the estate to a gentleman of the name of Maxwell, born in India, and consequently enabled by law to hold land, the son of an European, who had been settled in that

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part of the country. The men who had subscribed for the redemption of the estate immediately brought a suit to cancel the deed of sale to Mr. Maxwell, on the ground that they had contributed each his quota to reinstate the managing owner in the situation which he had forfeited by not paying the sum due to government.

1729. Do you know what sum Mr. Maxwell gave for it?—I think he gave about 2,000 rupees for it.

1730. What was the result of the suit?—I decided the case in favour of the villagers, cancelling the sale. It was immediately appealed to the court of Bareilly. In this interim a robbery happened in the confines of this village, a considerable highway robbery, committed by men on horseback. The leading person among the villagers immediately mounted his horse and raised the country, and succeeded in effecting the apprehension of the robbers; in consequence of which the superior court in Calcutta, the Nizamut adawlut, in deciding on the case, ordered a very handsome reward to be given to this individual. Before the orders to this effect were received from Calcutta, the final decision in favour of the villagers was reversed at Bareilly, and an order was sent to me to restore possession to Mr. Maxwell, which I of course was obliged to comply with. The very man then upon whom the superior criminal court in Calcutta had ordered the reward to be conferred, went at noon-day into the house of the man who had sold the village to Mr. Maxwell, dragged him out into the street, and cut his head off, and then absconded across the Ganges, and, I suppose, went to join the robbers in the country of Oude.

1731. What became ultimately of the estate?—At the time when I left the district, Mr. Maxwell was in possession; but I think I heard afterwards that the decision was reversed by a degree of the Sudder court in Calcutta, and that the villagers recovered possession.

1732. What were the grounds on which the decision was reversed?—That the managing owner had full power to do what he thought fit with the village; that he was proprietor, and had power to sell or do what he liked with the property; whereas I regarded him as the mere representative of the community.

1733. So the Sudder court at Calcutta appear to have regarded him?—Yes, if that decision was passed; but I cannot speak positively to it.

1734. If that decision which reversed yours is correct, there is a power on the part of the head of the village to dispose of it as his property?—Unquestionably, if that decision was correct, it is so; but I should question its correctness, because I think it was reversed by the supreme tribunal in Calcutta.

1735. Do you recollect in what character the sum of money was voted to the person who had done this service to the village?

—I think it was not a sum of money, but a sword, or something of that kind, as an honorary reward to this man, who had been active in taking the robbers.

1736. Is the opium grown in the Bahar district of a good quality?—I believe it is very good indeed; I believe the very best in India; I have always understood so when I was there.

1737. Did you hear frequent complaints of its being deteriorated?—I have heard such complaints, but I am not all acquainted with the process of its manufacture; and I cannot say whether they were well-grounded or not.

1738. Is it not supplied to the Company at a fixed price?—It is upon advances of money; they advance money to the cultivators.

1739. Is that price very low, as compared with what it sold for at Calcutta?—I believe it is, and still lower in comparison to what it was sold for secretly to the smugglers. I think the difference is as great as between three rupees and nineteen or twenty for the seer.

1740. Do you not think that would present a strong motive to cultivators to deteriorate the quality of it, their being obliged to supply it at so low a price?—I do not see that that applies so much to deterioration as to the encouragement it presents to smuggling; but I believe that, if it were not for what they hoped to gain by the smuggling, they very often would not accept the engagements for its cultivation at the rates at which it is supplied to the Company.

1741. Is not the price at which they supply the government a full remunerating price for the labour bestowed upon the land?—I am very incompetent to give an opinion upon that point; but I am inclined to think it is not, from the very high rent the opium lands pay; they pay the very highest rent of any land.

1742. Do you consider it an exhausting crop?—I am not sufficiently well acquainted with agricultural subjects to speak to that; I do not think it is, for it is repeated on the same soil year after year.

1743. Do you know whether it can be grown to advantage on soils of an inferior quality?—Certainly I should think not; for, as far as I recollect, the opium is always cultivated on the very finest soils, and the very highest rent is paid for the opium lands.

1744. Were not you a Commissioner at Arracan?—I was.

1745. What was the condition of that province?—When we entered it, nothing could be more wretched.

1746. How long were you there?—The province of Arracan itself I entered with General Morrison's army in January 1825; I left it for Rangoon in October of that year.

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1747. Was that wretchedness the effect of the war, or the condition of the people?—Partly the effect of the war, from the great demand which had been made by the Burmese authorities on the resources of the country during the period which had passed from the commencement of hostilities; but in a great measure from the general tyranny of the Burmese government.

1748. Were there any appearances of improvement while you remained there?—We were necessarily obliged to make very great demands upon its resources for the supply of the troops. During the time I was there, there was no improvement further than an increase of confidence. I understand, however, great improvement has since taken place; but it was impossible, under the circumstances of our tenure at that moment, when the troops were to be supplied with many things from the country, that any great improvement should take place.

1749. Was the population great?—The Mugs, the people of the country, who had fled into other states, were returning to their villages in great numbers; many kept away under the apprehension of being obliged to contribute to the supply of the army, who would return as soon as that apprehension abated.

1750. Was the country a fertile country?—I conceive that it was.

1751. The country was under military occupation at the time?—Completely so; that is, I, as political agent with the army, had the entire and absolute charge of it.

1752. Is the country near the coast unhealthy?—Unhealthy in the extreme.

1753. Our army suffered very much from sickness there?—Very much indeed.

1754. Have the goodness to state whether the regulations treating of offences against the person, and the punishments to which they are liable, are the same in Bengal as in Bombay?—I do not believe they are quite the same. I have never read the Bombay code, and therefore I cannot speak precisely; but I should suppose there must be some slight differences between them, though generally perhaps the same.

The witness is directed to withdraw.

CHARLES HYDE, Esq. is called in and examined as follows:

C. Hyde, Esq.

1755. What situation did you fill in India?—In the revenue department as collector.

1756. In what presidency?—Fort Saint George.

1757. In what stations were you?—South Arcot, Chingleput, and Vizagapatam, in the Northern Circars.

1758. In what manner was the revenue of those districts settled?—In South Arcot ryotwarry, mootahdarry in Chingleput, and zemindarry in Vizagapatam, in the Nothern Circars. 12 Mar. 1830. C. Hyde, Esq.

1759. Did you make any of the settlements?—The ryotwarry settlement in South Arcot.

1760. Did you find any great difficulty in making that settlement?—None at all.

1761. That was a settlement with the individuals occupying the land?—Yes, with every individual occupying the land in the parish.

1762. You did not find any great difficulty in that arrangement?—None at all.

1763. Was the revenue easily collected under it?—With great ease; there was no trouble in collecting the land revenue.

1764. Had you experience of the mootahdarry settlement in Chingleput?—Yes.

1765. How did that turn out?—The mootahs fell gradually into the hands of government, and the revenue was settled by the Collector under the aumany system.

1766. Will you explain what that is?—The division of the crops between the government and the ryots; this was the aumany settlement.

1767. In what manner divided or arranged; is it an annual assessment on the occupier?—Yes; a division of the crops.

1768. Were the collections as easily and as well effected under that as under the ryotwar?—No.

1769. Under that species of settlement, what proportion did you take for the government?—I think it was about half and half.

1770. What proportion did you generally take under the ryotwar?—It was a land tax.

1771. Under the aumany settlement you took the produce and sold it?—Yes: that was in Chingleput.

1772. Of that sale you took half for the government?—Yes, according to my recollection.

1773. Who had the sale of it?—It was a public sale by the public servants.

1774. Under the direction of the Collector?—Yes.

1775. Is it your opinion that that mode of settlement was more or less advantageous to the cultivator of the land?—No; very disadvantageous to him; it interfered with the reaping and threshing of the crops.

1776. You had experience of the zemindarry settlement also?—Yes, in Vizagapatam, situated in the Northern Circars.

1777. How did that mode of settlement work?—It laboured

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under great disadvantages. The lower class of the inhabitants were generally ruined by the oppressions of the Zemindars. Several of those zemindarries came under my management, and I could never realize the standard permanent revenue at which the zemindarry had been assessed, in consequence of the circumstances of the ryots been so much impoverished.

1778. Were they impoverished by the previous exactions of the Zemindars?—Of course.

1779. What proportion of produce do you suppose came to the government under the zemindarry settlement?—I have no idea, but I think half.

1780. As far as your experience went, you prefer the ryotwar?—Certainly.

1781. As advantageous both to the government and to the cultivators?—Yes; promoting the prosperity of the country.

1782. What means had the Zemindars of enforcing the payment from the ryots that they had stipulated to receive?—By distraint.

1783. Do they frequently have recourse to such distraint?—Yes; they have always had recourse to distraint of the property of the ryots without any reference to the Collector, for he (the Collector) is not authorized by the Regulations to interfere with the Zemindars.

1784. How do they generally dispose of the property so distrained?—By selling it to the merchants, either by private or public sale.

1785. Are you acquainted with many instances of ryots being obliged to abandon their grounds in consequence of those distraints?—No; I could only discover that when the estates came under my management for arrears, as then I had to make a settlement for the following year.

1786. Have you ever observed among the ryots persons possessing any capital?—In the Northern Circars the inhabitants possess very great capital; many of them are very wealthy.

1787. Many among the ryots are wealthy?—Yes.

1788. Do they employ that capital in the improvement of land?—Yes, sometimes.

1789. In the zemindarries?—Yes.

1790. Does not the fear of the Zemindar's raising the rent he requires from them operate to deter them from that employment of capital?—Yes, in most cases.

1791. You think, then, that in a part of the country where there was no zemindarry settlement, the capital would be more freely employed in the cultivation of land?—Certainly. In South Arcot, in 1823 or 1824, the revenue increased two lacs of rupees by increase of cultivation under the ryotwar settlement.

Of the land revenue there were twenty lacs, and of other sources ten lacs. There were 450,000 inhabitants, and I had to distribute 70,000 pottahs.

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1792. For what period was the ryotwar settlement made in South Arcot?—It is an annual settlement, according to the extent of cultivation carried on by each individual.

1793. Are ryots under those circumstances obliged to continue to hold the land they have agreed for, or can they part with it?—They can part with it; there is no compulsion on them on the part of government.

1794. Do they ever underlet it to other ryots?—No.

1795. Would they be permitted to do so?—Certainly.

1796. The Mootahdars are newly instituted proprietors of land?—They are persons who have bought estates at public auctions, and are so distinguished from Zemindars by being called so. Zemindars are people who were there when we took possession of the country.

1797. Does a Mootahdar mean a Zemindar, only newly created?—Yes; there is no difference in his character.

1798. You stated that you had been employed in making several ryotwar settlements; what time did it take you to complete a ryotwar settlement?—About two months and a half, with the assistance of the subordinate officers placed under my authority.

1799. What police had you in the district in which you were?—The village police.

1800. Had you no government police?—Yes; there was an establishment of police peons under my authority.

1801. Of what number did that consist?—I do not recollect the exact number of the establishment, but I think about five or six hundred peons.

1802. Was a great proportion of the country in possession of the Mootahdars you have spoken of?—Yes; Chingleput was mostly under Mootahdars.

1803. The whole property had changed hands?—Yes; it is now all under the government; but it is long since I left Chingleput.

1804. Are the village watchmen employed in the police?—Yes.

1805. That is an hereditary office?—Yes.

1806. Did you make use of the village watchmen?—They were the principal persons employed in the police.

1807. Do you refer to the persons who form a part of the establishment of every village?—That is the talliary.

1808. Were they of much use to you?—Yes, a great deal.

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1809. Were they persons in whom you placed confidence?—Oh no.

1810. Why?—They were persons of low caste, who gave the information regarding every thing of strangers coming into the villages, and reported daily to the head men of the village.

1811. They were not employed in taking offenders or suppressing offences?—No; the peons performed that duty.

1812. What were the prevalent offences in that district?—Petty offences and robberies.

1813. Had you any gang robberies?—Very few.

1814. In the Northern Circars were there any gang robberies?—I had not the police under me then.

1815. You were not Collector in any part of the country where there were Polygars?—No.

1816. Were there any manufactures in that part of the country?—Indigo manufactures.

1817. Any cloth manufactures?—There were weavers.

1818. To any considerable extent?—About 30,000 weavers.

1819. Do you know what has been the effect of importations from England on the trade of those weavers?—No, I do not.

1820. Were you on the Bengal establishment?—No; on the Madras establishment.

1821. Does slavery exist in that district?—I made a report on slavery in South Arcot.

1822. Have the goodness to state the conditions under which it exists?—The slaves generally go with the land, and they are transferred when the land is sold.

1823. It is agricultural slavery?—Yes; but there are very few. In fact I can scarcely consider them as slaves, they were so well protected by their masters. They are never sold; but if the land is sold they go along with it.

1824. By law or by usage?—By usage.

1825. Are the children of slaves also slaves?—They are generally so considered.

1826. By law, are the children of slaves ever sold?—No, never in South Arcot.

1827. Is enfranchisement common?—Very seldom.

1828. Are they capable of possessing property?—No.

1829. Is their evidence received in a court of justice?—Having never filled any situation in a judicial department, I cannot speak to that.

1830. Have any cases of ill-usage come to your knowledge?—No.

1831. What was the nature of the report you made upon

that subject?—I was called upon by government to report the number of slaves, which report I forwarded to government; but it is long since I wrote the report. 12 Mar. 1830. C. Hyde, Esq.

1832. Simply the number?—Yes, simply the number, the state and condition of the slaves.

1833. Can you state the number?—I should think about 20,000.

1834. What is the population of the district on which you made your report?—450,000 inhabitants.

1835. Of whom about 20,000 are slaves?—Probably about that number.

1836. Your report consisted of the number of slaves?—Yes, and their condition; but it is so long since I wrote the report, that I do not recollect exactly what I then stated.

1837. How long ago was the report made?—I should think that it is now ten years ago.

The witness is directed to withdraw.

Ordered, That this Committee be adjourned to Tuesday next, one o'clock.

Die Martis, 16° *Martii* 1830.

The Lord President in the Chair.

JAMES COSMO MELVILL, Esq. is called in, and further examined as follows:—

1838. What have you to lay before the Committee?—I have prepared, agreeably to the desire of the Committee, a statement of the revenues and charges of India, from 1823-4 to 1827-8, and an estimate for 1828-9. This statement shews, at one view, the gross produce of the revenues, the proportions of that produce which have been expended in charges of collection and in the stipendiary allowances, and the mode in which the remainder has been applied. 16 Mar. 1830. J. C. Melvill, Esq.

The same is delivered in, and read.

(*Vide Appendix to this Day's Evidence, No.* 1.)

I have also prepared, agreeably to the command of the Committee, an estimate of the amount in which the charges of India, supposing peace to continue, are expected to be diminished in future, as compared with 1828-9, by the various reductions of establishments, military and civil, which have been ordered to be effected. Referring to my former statement, that if the charges in future years remained at the amount specified in the

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estimate for 1828-9, and if the territorial branch were to continue to derive the same advantage in its remittances as at present, the probable excess of charge over territorial revenue would be £1,478,285; it may be proper now to apprise the Committee, that since I made that statement intelligence has been received from Bombay of a falling-off in the land revenue there in 1828-9; and which, it is apprehended, may to some extent affect the receipts of future years. I would also mention, that my former statement was made without reference to any diminution of revenue that may arise from the measures in progress for discontinuing the Malwa opium monopoly.

The same are delivered in, and read.

(*Vide Appendix to this Day's Evidence, No. 2.*)

1839. Can you state the amount of the expected diminution of revenue in Bombay?—The diminution in 1828-9 was thirty-two lacs of rupees; or, at 2*s.* 3*d.* the rupee, £360,000. No estimate has been received from the government of Bombay of the probable effect of the defalcation in future years.

1840. What is the probable falling-off from the breaking up of the opium monopoly in Malwa?—No estimate has yet been received of the financial effects expected from that measure.

1841. Can you state what is the cause of the falling-off of the revenue in Bombay?—The government of Bombay ascribe it mainly to the poverty of the country in the Deccan.

1842. Was that owing to any accident of seasons?—That is not stated as a cause, except in the district of Broach, and there to a small extent only.

1843. It is stated that apprehensions are entertained that defalcation to a certain extent will continue?—The Governor of Bombay, in his minute, has expressed an apprehension of that sort.

1844. What do you suppose the cause of that apprehension?—The view which the Governor takes of the state of the country, as indicating the probable continuance of the causes which have produced a deficiency in the current year.

1845. And conceiving that the deficiency will continue for several seasons to come?—Yes.

1846. Is there any other source of revenue from Bombay that is at all considerable besides that which arises from land?—The customs.

1847. Has there been a falling-off in them?—No; the falling-off in the land revenue does not appear to have extended to the customs.

The witness is directed to withdraw.

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T. Warden, Esq.

THOMAS WARDEN, Esq. is called in, and examined as follows:

1848. What situation have you filled?—I was employed in the province of Malabar for a period of about twenty-eight years: six or eight years in a subordinate situation, judicial and magisterial; thirteen years as principal Collector; and nine years as a Judge of the provincial Court of Circuit and Appeal. The province of Malabar was, on the cession of the province, under Bombay; but annexed to Madras in 1800.

1849. Were the revenue and judicial lines kept distinct?—Not in the first instance. After the introduction of the Bengal judicial Regulations they were separated; and on the introduction of Colonel Munro's Regulations of 1816, the police duties entirely, and the magisterial partially, were annexed to the revenue.

1850. Was that last arrangement found to be beneficial?—I think it was.

1851. Has it often happened that men have been placed in high judicial situations who had no previous knowledge of the laws they were to administer?—According to the system that prevails under the Madras presidency, no civil servant is allowed to be employed in the provinces that has not undergone an examination as to his knowledge of the laws and Regulations of the Government in every department, particularly the revenue and judicial; and it is supposed that before they quit the presidency they have a generally competent knowledge of the laws which come into practice in actual employment.

1852. Do not a very great variety of usages prevail in the different provinces?—A very great many. There are hardly two provinces alike with respect to their local usages: even in districts, or countries, if I may so say, in the same province, there are various customs.

1853. The effect of that, then, is to make it next to impossible to form any general compilation of law?—I should think so. A law providing for local usages and circumstances, I should suppose, would be preferable to a general law to be enforced, and to subvert the usages of the people.

1854. In what manner does the Judge ascertain the peculiar customs of the particular provinces?—By reference to the principal inhabitants of the country of the different castes whom the subject under discussion may affect. With respect to Brahmins, the principal Brahmins are called; with respect to Nairs, the Nairs are called; and with respect to Mopillas, who are Mohamedans and the descendants of Arabs, the principal men in their community are called.

1855. In short, the principal persons of each tribe or sect

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are called to assist the Judge with their information and advice?—Exactly so.

1856. Does the Judge generally think himself bound by the opinion given?—He is certainly required to do so by the Regulations.

1857. There is an appeal from the Judge to the Sudder Adawlut?—The appeal lies from the Zillah Judge to the Provincial Court, and from the Provincial Court to the Sudder Adawlut, or to the King's Supreme Court, at the respective presidencies.

1858. In administering the Mohamedan law, you consult the Mohamedan Judge?—We do; but in the province of Malabar there are certain families amongst the Mopillas who follow the rule of inheritance prevailing amongst the Nairs (Hindoos), which is through the female line; and therefore the courts are obliged to have recourse to the natives of the country to expound the law of custom.

1859. Have not the changes which the Regulations have introduced very much affected the Mohamedan law; altered it a good deal?—When the customs of the country are contrary to the Mohamedan law, the Mohamedan law is set aside altogether.

1860. Have those Regulations introduced much of the spirit of the English law into the administration of justice?—I think they have, with reference to the law of evidence, which, under the Mohamedan law, is in many instances contrary to natural justice.

1861. Are all questions of tenure and rights of land tried before the Collector, or many of them?—In the province of Malabar they generally come before the Judge; but disputes which arise with respect to the cultivation of land, or the collection of rents by the proprietor from his tenant, are in the first instance inquired into and determined by the Collector; and if the Collector's decision is unsatisfactory to either party, he may bring the case in a regular suit before the courts of justice.

1862. Do you know whether the salt tax was introduced for any particular object?—It was introduced, as far as I can understand, to cover the expences incident upon the judicial establishments. The salt monopoly of Malabar was introduced under my administration.

1863. The government have a monopoly there; no salt can be sold but by the government?—Just so.

1864. And that at a fixed price?—Yes; the salt warehouses are open to all purchasers at a fixed price. They are established in different parts of the country, so as to give a facility

to the inhabitants to purchase salt at the government price. Stipendiary servants are attached to them, who retail the salt.

1865. No salt can be sold by the manufacturer but to the government?—Just so; but a great proportion of the salt consumed in Malabar is foreign salt, which on importation is purchased by the government. It comes from Bombay and the Red Sea, and is preferable to that manufactured in the country.

1866. The government equally derive a profit from it?—Yes.

1867. And those profits are appropriated to the support of the judicial establishment?—That object originated in the salt monopoly under the Madras presidency.

1868. There exists a tobacco revenue in Malabar, does there not?—There does.

1869. Is that conducted in nearly the same manner?—Yes. But there is no monopoly of the betel-leaf in Malabar, which is an article of luxury in very general consumption throughout India. The trade in betel is free, and the cultivation of it is free, which I think is a great advantage to the inhabitants, and takes away much from the severity of this monopoly, as tobacco is generally eaten with betel.

1870. Does not there exist a species of slavery in the province of Malabar?—There does, and also in the adjoining province of Canara.

1871. Are they domestic slaves?—No; they are slaves of the soil; they are in fact a distinct caste of Hindoos; they are born slaves.

1872. Are they transferred with the soil?—They are trans ferred with the soil; and if the soil be overstocked, the surplus slaves are sold, or mortgaged, or let out on rent to neighbours.

1873. They are sold?—Yes; and leased out, exactly in the same way as lands; the tenures are nearly the same. There is a description or caste of people in Malabar in a more degraded state than the slaves, and yet they are free, and acknowledge no master whatever. They are almost in a state of nature. They will submit to no manual labour. They will guard the fields at night against the depredations of hogs, and elephants, and deer. But the race is nearly extinct. They are in a perfect state of freedom, but in a most wretched state of degradation. They are called Nâayady. Their degradation is so low that they cannot even approach the common slaves of the soil, of whom there are various and distinct tribes, called Chermar, Puller, Paniar, Koormar, and many others.

1874. Are the lives of the slaves protected?—Yes. The murder of a slave by a free-born subject has been met with

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capital punishment. There is no exclusion of any of the inhabitants of the country from the protection and benefit of the laws. The Malabar slaves were not under such protection anterior to the British government; under the former government of the Rajahs the lord had the power over his slave of life and death.

1875. Is the evidence of slaves received in courts of justice?—It is.

1876. Is that considered of equal weight with that of freemen?—It depends very much on the matters on which they are called; if they are called on matters in which the interest of their masters is concerned, their evidence is received with a good deal of caution; but, generally speaking, their evidence is as much, if not more to be relied on, than that of the common inhabitants of the country.

1877. Does the caution with which their evidence is received in the case of their masters being interested arise from their being supposed to be under the influence of their masters, or from their partiality for them?—From both. I should think a slave would be deterred sometimes from giving evidence against his master through fear of the consequences; and he would also be influenced at times to give undue evidence in favour of his master, where his master's interests were concerned; but in cases where the disputed property is situate in the hills and forests, the evidence of the local slaves is very material, because it is entirely on their evidence that boundaries in such remote situations, of which the proprietor can have no personal knowledge, are ascertained and adjusted. The forests and hills yield a variety of valuable productions, such as timber, bees-wax, honey, sticklac, gums, &c.

1878. Is there reason to think that in general they do feel much attached to their masters?—Undoubtedly. The daily allowance to a slave, that is, his subsistence, is established by the custom of the country; and if that is not given to him regularly, and he run away, the master would find great difficulty in recovering him. It is the duty as well as the interest of the master to see that the subsistence (called "wally") is regularly served out to his slave.

1879. Is the master bound to keep him in his old age?—Yes.

1880. Has the slave any resource if the master should neglect that duty?—The slave could apply to the courts of justice.

1881. They may be transferred from one soil to another?—Yes; but still their labour is entirely confined to the soil.

1882. There is a power in the courts to enforce a support by the master?—Undoubtedly, according to the custom of the

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country. I may here add, that marriage prevails among one sect of slaves, in which case the male is of more value to the master than the female of that sect. In another sect, where marriage does not exist, the mother is of more value to the owner, because the children are all hers; and there is a sect in Canara, where I have understood the males belong to the owner of the father and the females to the owner of the mother. The marriage contract is made entirely between the parents of the respective parties, without any interference on the part of the masters.

1883. You state that by custom the master is obliged to support his slave; is there any law that commands him to do that?—I am not certain whether the Hindoo law does not provide for it.

1884. The court receives complaints, if they are not provided for?—I cannot call to recollection any case of the kind; but where a master has applied to the Collector for the recovery of his slave, the question arises, what has been the cause of desertion, before redress is given.

1885. In cases of impotency on the part of the slave, the master would not be likely to complain of desertion; what then would be the resource of the slave?—In cases of impotency slaves are supported by their children. The attachment between the father and mother and the offspring is very strong.

1886. Then they are dependent upon the affection of their family?—Certainly; but still the owner is obliged to maintain every one of his slaves, whether old or young.

1887. In case the master is unwilling to support his slave, what remedy has the slave to insure his support?—The only remedy that I am aware of is a court of justice, which would certainly require him to support his slave according to the custom of the country. The court would immediately ascertain what the law of the country was, and enforce the execution of it.

1888. By custom, you understand law?—Exactly; that is, common law.

1889. Has a master any power to separate the families of slaves?—In the instance I have already stated, where the stock is more than his own estate can employ, he has the power of disposing of the surplus to his neighbours.

1890. Is there any permission of the Magistrate required to effect that?—None whatever.

1891. Is the owner, then, the judge of the number of slaves he shall retain?—Entirely so.

1892. Is there any restriction as to the age at which the children may be separated from their mother?—There is. I think the restriction is from eight to ten years, but I am not certain as to the age.

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1893. Is a slave capable of being possessed of any property? —Within my knowledge there are families of slaves in one part of Malabar, belonging to the Zamorine, the principal rajah of Malabar, who possess property in land on Caânom (a mortgage tenure peculiar to Malabar), and who cultivate on their own account, pay the revenues of government themselves, and they pay also the dues of the proprietors of the land.

1894. Is that a general case?—That is the only instance which occurs immediately to my recollection.

1895. By the custom or law of the country, should you suppose a master to have power over any property a slave might possess?—I should think that the Zamorine rajah could exercise no power over the property of the slaves I have alluded to; that if he attempted to dispossess them, a suit at law would prevent the execution of his intentions.

1896. In the instance you have mentioned, to whom would the property descend upon the death of the slaves?—To their families. It is a single instance I am speaking of; it is the only one within my knowledge.

1897. There is no legal obstacle to its being the case in other parts?—I should imagine not.

1898. Has the master any power of punishment of his slave? —There is no punishment precisely provided for by the Regulations; but a simple chastisement would be overlooked by the Collector and by the court. Cruel treatment is punishable by the Regulations.

1899. Can you state at all nearly the proportion, in point of numbers, that the persons in a state of servitude, as well as the other class you have described to be in a very degraded state, bear to the population generally?—The population of Malabar, by a census made while it was under my administration in 1806 or 1807, amounted to 700,000 souls. By a late census, made about two or three years ago, I understand the returns make it out to be about 940,000 souls. I have not exact recollection as to the proportion which the slaves may bear to the general population, but I should think that they do not exceed five or six thousand families. But your Lordships' Committee may have accurate information on this point by reference to the census of the population, in which every caste is distinctly stated.

1900. Does that include the province of Canara?—No. The very degraded class to which I have referred, under the title of Nâayadies, as being nearly extinct, I compute may amount to less than fifty families.

1901. Can you state what circumstances led to their extinction?—No. The tradition of the country makes them out to be the aborigines of the country.

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1902. The system of castes is more rigidly observed in Malabar than in other parts of India, is it not?—I imagine it may be.

1903. During your observation of the country, did the slave population, relatively to the rest, increase or diminish, or remain stationary?—They have, in my opinion, diminished. The Nâayadies, who are not slaves, have diminished in a greater proportion.

1904. Did any part of that diminution of slaves arise from voluntary manumission on the part of the masters?—Certainly not.

1905. Are the observations you have made on the subject of slavery confined to Malabar and Canara?—I should wish those observations to be applied exclusively to Malabar, as my knowledge of Canara does not extend to more than what may have been derived from the going there on circuit, and from the investigation of causes that have come before the Court of Appeal.

1906. Those slaves are exclusively employed in agriculture?—They are.

1907. What is the principal produce of the province of Mala bar?—The slaves are principally employed on rice lands.

1908. Is that grown for the subsistence of the province itself, or is there a surplus produce for exportation?—For the province itself. The produce of the country, when the Company acquired Malabar, was not equal to its consumption; but when I left it the produce was equal to the internal demand.

1909. What are the other principal articles of produce in the province of Malabar?—Cocoa-nut, black pepper, areca or betel-nut, ginger, turmeric, arrow-root, wild cassia, the teak and various kinds of woods, cardamums, and various fruit trees.

1910. Is much sugar or coffee cultivated in Malabar?—Coffee is produced there very partially; but I should think that it is capable of being produced abundantly.

1911. Do you conceive the coffee is cultivated by slaves, or by the free population?—By the free population. The coffee will not grow in the rice fields on wet lands. It is grown for domestic use exclusively by the syeds, or Arab priests, in their private gardens. The natives of Malabar do not use coffee.

1912. Are you acquainted with the allowance or with the pay which is made to the slaves?—I have no immediate recollection of it; it is paid in the paddy in grain. With regard to slaves, I have further to add, there is a caste of them that are supposed to be versed in sorcery, and the inhabitants have a very great dread of them; they could levy a contribution from whole villages under this dread of their sorcery. Indeed the superstition of the country is so great, that neighbours very often resort to those slaves for the purpose of letting loose destruction amongst the cattle and families of those whom they have any hatred against.

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1913. Is there a certain proportion of produce allotted to them for their labour?—There is not, that I am aware of.

1914. Are there any native Christians in the province of Malabar?—There are.

1915. Under what laws do they live?—There are very few in Malabar, but there are great numbers of them in Mangalore in Canara; they are under the jurisdiction of the Archbishop of Goa. There is a college near Cochin, where the priests are educated in the Syriac.

1916. Are they Catholics?—There is a sect of them who are under the Syriac Church. Dr. Buchanan has written a full account of them.

1917. Are they in considerable numbers?—Yes, in Travancore.

1918. What description of salt is manufactured at Malabar?—Of a very bad kind indeed. Latterly there was no manufacture at all; it came entirely from Bombay.

1919. Is there any export of it to Bengal?—No; it is brought to Malabar for the consumption not only of Malabar but of the interior of the country above the Ghauts. The Bringaries, with their bullocks, come from the Mysore and the Mahratta country, and take away an immense quantity.

1920. Is any imported from Persia?—No; only from Mocha, in the Red Sea.

1921. Can you state the amount of duty?—There is no duty at all; it is purchased by the government.

1922. Can you state at what price it is manufactured at Malabar?—It is manufactured, probably, at ten rupees a garse, which is a Madras measure of 4,800 seirs, that is, 24*s.* for 4,800 lbs.

1923. Can you state the price of the salt to the consumer?—The retail is about 140*s.*

1924. About six hundred per cent.?—Yes, about that. In Bengal the retail price is four hundred per cent. higher than in Malabar.

1925. It is not refined in any way?—No. The salt that comes from Bombay is purer than that made in Malabar. The best salt is made on the Coromandel coast, which supplies Bengal.

1926. Do you know whether free export is allowed to Bengal?—Yes, but only on account of the government.

1927. Do not you consider salt peculiarly valuable, as an article of food, to persons living on a vegetable diet?—Undoubtedly.

1928. Would it not be a great advantage to the people of India if they could be supplied with it on cheaper terms than they now are?—It would. At the same time, the monopoly,

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as it exists under Madras, appears to me as good a system of indirect taxation as could be laid on the people.

1929. Is not salt, in fact, almost the only sauce or kind of condiment that the natives have to eat with their rice in many parts of India?—The principal condiment they use is curry. Curry is a kind of sauce made of chillies and turmeric and pepper, with a little salt and garlick. Salted fish is much in use in the interior of the country; and in Malabar the fishermen were allowed, for the purpose of salting their fish, to take away every evening what was called the sweepings of the salt-pans, after the salt in the course of the day had been scraped off; and they had the liberty of doing that without paying any tax at all.

1930. Regarding, however, the consumption of salt rather with reference to the advantage of the people than as a source of revenue, have you any doubt that it would be expedient to put an end to the monopoly of it?—I have no doubt at all as to the expediency of putting an end to the monopoly, if revenue is excluded from the question altogether.

1931. Were you at Malabar before the monopoly of salt was introduced?—I was.

1932. Can you state the price of salt previous to the monopoly, as compared to it afterwards?—The price of salt in some years, particularly when much rain had fallen during the season of manufacture, and when the produce was entirely destroyed, had been known to reach beyond the retail monopoly price.

1933. How was it on the average of years?—On the average of years I should suppose the price of salt may have been at least three hundred per cent. less than the monopoly price, but I speak merely from conjecture.

1934. Do you know the price in any of the native provinces?—I do not.

1935. Do you know whether regular vessels were sent off to Bombay and Mocha for the salt that was imported from those places?—The salt is generally imported as ballast to the craft, and not as an article of commerce. The returns from the Malabar coast consisted of pepper, cocoa-nuts, the betel-nut, and piece goods manufactured in the interior of the country, which are brought to the Malabar coast for exportation; sandal-wood, also the produce of the interior provinces, *viz.* Coimbatore and Mysore; various kinds of dry grains, the cardamum spice, and bees-wax, and sapan-wood, which is a red dye; the wood itself yields the dye.

1936. Is any sugar grown on the Malwa coast?—None, as an article of commerce. I have seen it only in private gardens for private use. It is not a production of the country.

1937. Were you ever at Pondicherry?—I never was.

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1938. Have you reason to think that in those parts of India which have fallen within your observation, and where either the English system of law has been introduced, or the English Regulations influence the administration of native laws, the value of property has risen?—Certainly, in the province of Malabar, where the land is private property. I think also that the security of the laws has had the effect of improving and increasing the mercantile class; they are under greater protection. Under the native government they were very liable, if they were known to possess property, to extortion and oppressive exactions.

1939. Under what sort of settlement was the province of Malabar?—The original settlement, made by Mr. Duncan, who came from Bengal, was with the rajahs and chieftains of the country. He made a settlement for five years. It was founded on Antud Beg Khan's Jamma, an officer under Tippoo's government. The arrangement with the rajahs failed; and the revenues of the country were afterwards administered by the Company's own servants. The settlements were made with the proprietors of the land, or the Kaanomkars (mortgagees), or, in fact, those who had the greatest interest in the soil.

1940. Is it a ryotwar settlement, or a village settlement?—It is a ryotwar settlement.

1941. Did you make that settlement in any instances whilst you were Collector?—The general settlement had been made previously to my time. The only subsequent duty to perform was to ascertain annually in whose names the revenue was registered in the village accounts, and to cause its collection by stipendiary servants.

1942. In any place in which you have been employed have you had occasion to make a ryotwar settlement?—No, I have not. The settlement that exists in Malabar I should call a permanent ryotwar settlement.

1943. How long has it existed there?—Ever since the Company's government. The revenue has never been materially altered, excepting the remission of the land tax on the pepper cultivation, the consequence of which has been that the value of landed property on the coast of Malabar is greater than I suppose in any other part of India, excepting, perhaps, the presidencies.

1944. Has much of the property changed hands within a certain time?—Not from the hereditary proprietors: their attachment to their hereditary property is almost vital; and although many receive only a nominal rent, there are very few instances of any proprietor selling his hereditary estates. A proportion of the property is in the hands of Kaanomkars, who are mortgagees, who have lent money to supply the necessities of the proprietors, and have taken mortgages upon their lands. These lands are for the most part in the hands of the mortgagees, but the mortgage is always redeemable; it is never foreclosed;

which is a very peculiar feature in the mortgage tenure called "kaânom" of Malabar.

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1945. They are, practically speaking, the possessors of the country?—They are, of the greater proportion.

1946. With them the arrangements were made after they failed with the rajahs?—In point of fact, the same system existed in the time of the rajahs. They had to collect the revenue from those tenants; but finding the tenants not very obedient,—finding they were turbulent and obstreperous, they were obliged to give up their charge. They could not fulfil their engagements.

1947. Are there any manufactures of any description in that district?—There are some weavers, who supply the common coarse clothing worn by the natives of the country.

1948. Has that business been at all affected by the importations of cotton from England?—Not the manufacture of cloths worn by the lower classes of the people; their clothing is very scanty; even the women(native Hindoos)have no clothing above the waist.

1949. Are there any number of wealthy persons in that country among the population you describe?—The Zamorine rajah is a wealthy prince; he is the descendant of the Zamorine stock that was found there on the arrival of the Portuguese.

1950. Are there any wealthy subjects?—There is much wealth among Mopilla merchants. The industry of the Mopilla character may be judged from the fact, that the most wealthy person on the coast of Malabar had arisen from a common pedlar or itinerant trader. He was a native of Tellicherry, which was ceded with Bombay to Great Britain.

1951. In what branch of commerce are those persons engaged?—All the productions of the province, particularly pepper. Pepper was the staple article of trade.

1952. To what place do they export it?—To Bengal, Bombay, and the Red Sea, and to Europe. Independently of the Mopilla merchants, there are Hindoo merchants called "Delalls," or brokers, on the coast, who act as intermediate agents between the merchants in Bombay, the Arabs, and the Mopillas. The Mopillas are the people who have immediate communication with the cultivators,—with the growers; and they sell to the exporters.

1953. It is through them that the produce of the province is chiefly collected and exported?—Yes, chiefly.

1954. Have they any monopoly of commerce?—None whatever; the trade is open; but from their exclusive intercourse with the interior of the country they have practically established a monopoly among themselves.

1955. Are there any agents on the part of the Company who collect the produce of the internal country?—None. The Company had a commercial agent in Tellicherry for the purpose of supplying their investments of pepper, but that has ceased many years.

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1956. Do they grow cotton in the province of Malabar?—Hill-cotton, to a very limited extent; indeed there is no cotton land there.

1957. You stated that those who had property are principally Mohamedan merchants?—Yes.

1958. Are there no native Christians who have any wealth?—In Canara there are.

1959. What is the proportion of rent reserved to government in the Ryotwar settlement?—It is very variable, as it exists in Malabar. I should suppose it varies from five-tenths to eight-tenths of the proprietor's rent; not of the produce.

1960. Do you consider a half too great a proportion to accrue to the government?—Not of the proprietor's rent; half the produce I should think would be.

1961. You spoke of tenants; whom would you distinguish as the tenants, and whom as the proprietors?—The proprietors are the descendants of the ancient Jelmkars, whose rights are considered allodial. They either cultivate the lands at their own expense, or they lease them out to tenants, and mortgage them. There are tenants in mortgage, simple tenants, that is, tenants at will, and tenants on periodical leases; and in fact it depends entirely on the deed by which he holds the farm, under which he makes his agreement for the cultivation of the land with the proprietor.

1962. Do you consider the ryots as proprietors?—Certainly, if they have purchased the proprietary right. There are, I suppose, in Malabar, altogether, between thirty and forty thousand proprietors. The ancient families having divided their estates amongst different branches, the property of each has diminished of course into very small estates. The property is entailed; and, as the families increase, feuds arise, which occasion a division or separation of interests altogether; but no division of the family property can take place without the unanimous consent of heirs, male and female.

1963. So that the existing proprietors are very different classes?—Part of the existing proprietors are descendants of the ancient proprietors; others again are Mopillas, and different classes of the inhabitants of the country, who have acquired a proprietary right by purchase.

1964. The existence of this right has formed a subject of dispute?—The existence of the proprietary right was disputed at one time only by those who had never been in either Malabar or Canara; but I believe it is admitted now by every authority, with respect to Malabar and Canara; and indeed all along the western coast of the Peninsula, from Cape Comorin to Goa, there is no question about it.

The witness is directed to withdraw.

Sir ALEXANDER JOHNSTON is called in and examined as follows: 16 Mar. 1830.

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1965. You have filled various judicial situations in India, have you not?—On the island of Ceylon, from 1801 to 1805, I was his Majesty's Advocate Fiscal, a situation very similar to that of the Lord Advocate of Scotland. From 1805 to 1819 I filled the office of a member of His Majesty's Council, a Judge of the Supreme Court, and a Judge of the High Court of Appeal; for the last ten years of that period I filled the office of President of His Majesty's Council, Chief Justice of the Supreme Court, First Judge of the High Court of Appeal, and Judge of the Admiralty Court.

1966. Will you state the nature of the office you first held on going to Ceylon?—The principal part of the duty of the Advocate Fiscal, independent of that of his being the public prosecutor, is to advise His Majesty's government on all legislative measures, and on every legal point relative to the revenues of the Crown. In one or the other of the last four offices I have named, every case of any importance, either relative to natives or Europeans, or descendants of Europeans, or to suits connected with revenue or land, or with any part of the maritime jurisdiction of Ceylon, came before me, either in the first instance or in appeal.

1967. Will you state generally what you found to be the state of the administration of the law at Ceylon when you first went out as Advocate Fiscal, and the nature of the jurisdiction?—There was a Supreme Court, composed of a Chief and Puisne Justice, holding their situations under the great seal of Great Britain; a certain number of Provincial Courts, each composed of one or two of his Majesty's civil servants, holding their situations under an appointment from the local Governor; a high Court of Appeal, composed of the Chief and Puisne Justice, of the Governor, and of the Chief Secretary of Government. The jurisdiction of the Supreme Court was as follows:—Its civil jurisdiction was local and personal; its local jurisdiction extended to a certain limit; every person within that limit, whether native or European, was subject to its local jurisdiction: its personal jurisdiction applied to Europeans, or descendants of Europeans, in whatever part of the then British possessions they might be: its criminal jurisdiction extended over every person within the then British territories, native and European, and over every part of the then British territories. This jurisdiction (the criminal) was exercised by the court partly at sessions held at the principal place on the island called Columbo, and partly on circuit made throughout every part of the then British territories, before the year 1811 without a jury, since the year 1811 with a jury. The jurisdiction of the Provincial Courts was partly criminal and partly civil: the criminal to a small extent; the civil over every person within their respective limits to whom the jurisdiction of the

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Supreme Court did not extend. The jurisdiction of the High Court of Appeal was entirely an appellate jurisdiction from the Provincial Courts; it heard every case of appeal from every Provincial Court in the island, provided the subject of appeal amounted to a certain sum. The jurisdiction of the Admiralty Court in Ceylon was nearly the same as the instance jurisdiction of the Admiralty Court in England, and extended all along the coasts of the island, a distance of about 930 miles. The population of Ceylon (my reason for explaining the nature of the population is, that the nature of the law which is administered in Ceylon depends upon the population amongst whom it is administered, and that the Court is bound to apply to each portion of the population the law which prevails amongst that population,) consists of about 500,000 persons, professing the Hindoo religion, and resembling, in almost every respect, the Hindoos upon the opposite peninsula of India; about 500,000 persons more, the Cingalese, professing the Budha religion, and having many customs and laws of their own; there is a population also of about seventy or eighty thousand Mohamedans, having laws of their own. The remaining part of the population are either English, Dutch, or Portuguese, or descendants from each of that class of Europeans. The Hindoo law, which applies to the first (the Hindoos), is very nearly the same as the Hindoo law that applies to the whole of the Hindoos who inhabit from Cape Comorin up to Madras. The Mohamedan law, which applies to the Mohamedans, is also very nearly the same as the Mohamedan law which applies to the whole of the Mohamedans descended from Arabs who inhabit between Cape Comorin and Bombay on the Malabar Coast, and between Cape Comorin and Calcutta along the Coromandel coast. The law which applies to the English, Dutch, and Portuguese, and to their descendants, is so much of the Dutch Roman law as has been adopted by his Majesty's instructions to the Governor, and by his Majesty's charters of justice. The Dutch Roman law is the Roman law in use in Holland, subject to the different modifications it has undergone by proclamations in Holland, and by proclamations in the different Dutch colonies.

1968. To what means have the courts recourse for the purpose of acquainting themselves with the principles of the different descriptions of law to be administered to the different classes of natives you have described?—In consequence of Ceylon, when first conquered by the British arms, having been placed under the East-India Company, and in consequence of the similarity between a considerable part of the population of that island and the population of the southern peninsula of India, the courts in Ceylon were frequently obliged to refer to the nature of the different institutions and of the different laws and manners of the different people who inhabit the southern Peninsula of India; and it was more particularly my duty, from the nature of the different situations which I held, to obtain the

most accurate information relative to them. It was for this reason that I, while on my way out from England to Ceylon in 1802, stopped for some time at Madras, in order that I might become acquainted with all the laws and institutions of the different people living under that presidency. It was for the same reason that in 1806, the Governor of Ceylon, wishing to revise the whole of the departments in that island, vested me with a commission to go round the British territories in Ceylon, and to obtain the most accurate information upon the subject; and that I, in 1808, proceeded from Cape Comorin to Madras and back again to Ceylon, for the purpose of examining the institutions in the Peninsula of India; and after having made a comparison between the institutions in the Peninsula of India and the institutions under His Majesty's Government in Ceylon, came to England in 1809, and conferred upon the subject of the necessary alteration with the late Lord Londonderry, who was at that time Secretary of State for the Colonies, and proposed to him, under the sanction of the Governor and Council of Ceylon, of which I was a member at the time, such alterations as had been deemed advisable. It was for the same reason that I, in 1816 and 1817, after having come back from England to Ceylon, with the different alterations in the Ceylon administration of justice that had been made in England during my mission to that country, and after having remained six years on the island, thought it my duty, intending to return to England in 1818, in consequence of leave obtained from His Majesty's Ministers to do so, to make a second journey to the Peninsula of India, for the purpose of again investigating the nature of the institutions, laws, customs, and manners of the people in that Peninsula; in order that I might, when in England, be enabled, if it were thought necessary, to complete, from the collections which I had made of Hindoo, Mahomedan, and Bhuddist laws, such a code as might be deemed applicable to the different classes of people under the government of Ceylon. It was for the same reason that I, in consequence of inquiries made from me by Mr. Wynn, when President of the Board of Controul, as to the applicability of the Ceylon system of jury trial to the natives of India, considered fully the nature of their institutions, and wrote a letter in 1825 to Mr. Wynn, upon which he told me he had determined to bring in the Act of Parliament, in the year 1826, extending the right of sitting on juries to natives under the jurisdiction of the Supreme Courts in India. It was for the same reason that, in 1827, my attention was again called to the subject of the administration of justice among the natives of India, by one of my friends asking me to propose some plan by which the Indian appeals that had come home and were in arrear might be brought before the Court of Appeal and decided, and all arrear in such cases of appeal prevented for the future;—that I, as this arrear principally arose from the ignorance of the people of India of the

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mode in which they ought to employ persons in this country to bring their cases before the King in Council, gave in the plan to His Majesty's Ministers and to the Board of Controul which is in some measure the cause of the arrangement that is now making for the purpose of bringing forward those different cases before the Privy Council;—and that I, with a reference to the same subject, in consequence of a conversation between the Master of the Rolls and myself, as to the policy of uniting the Judges of the Supreme Courts in India with the Judges of the Sudder Adawluts, gave him a statement of my reasons for thinking that it ought to be done, and that it would prevent many of the difficulties that had occurred in the arrangement about the cases that came from the Sudder Adawluts before the King in Council. It was for the same reason that my attention was again called to the subject of Indian judicature, in consequence of my hearing some time ago, from persons who had been engaged in trade to India, what I knew to be the case, that it would be a great convenience to traders in India to have an efficient maritime jurisdiction at central ports, between Cape Comorin along the coast of Malabar, to Bombay, and between Cape Comorin along the coast of Coromandel to Calcutta; and that I sent in a paper upon the subject to the First Lord of the Admiralty; and finally, it was for the same reason that my attention was again called to the subject of the natives of India by the circumstance that Lord William Bentinck, from his understanding that a plan had been adopted by me in Ceylon for making collections of Hindoo and Mohamedan law, and that it had been useful, requested me to give him a memorandum, that he might carry the same plan, if applicable, into effect, when he went over as Governor-general of Bengal; and that I sent such a memorandum to Lord William Bentinck, and I gave a copy of it to the present Chairman of the Directors. I have stated all these circumstances to shew the sources from which, and the occasions on which, in consequence of the offices I held in Ceylon, I have derived any information I may possess upon the subject of Indian judicature, to which the questions of the Committee may refer; conceiving that it would be presumption in me to give any opinion as to the applicability of any institution in Ceylon to the Company's Establishments, unless my attention had been called to the subject of India by the different circumstances to which I have alluded.

1969. Independently of the information thus acquired on the continent of India, were there to be found in Ceylon itself competent authorities for assisting the courts in the administration of the different branches of native law?—I should say there were certainly some competent authorities amongst the natives; competent as to the knowledge they possessed, but perfectly incompetent as to character, provided their opinion was to be taken in cases of great amount or great importance at the time those cases were before the court.

1970. You have stated that the result of your inquiries as to the state of the native law in India was the introduction of the trial by jury in the island of Ceylon; did you find any traces of that system of trial in any system of law formerly acknowledged by the natives themselves?—I certainly did find in Ceylon traces, not of a jury system, but traces of the people of the country having been called upon by the representatives of the sovereign of the country to give their opinion upon questions of fact, and upon the weight due to evidence, under the name of Punchayets.

1971. Do you conceive that custom to have been sufficiently in force to prepare the minds of the natives, in a greater degree than they otherwise would have been, for the reception of our system of trial by jury?—I should say yes; that and the system of arbitrations which they had had amongst them.

1972. Will you describe the mode by which the trial by jury was introduced in Ceylon, and the mode in which it is now administered there?—I stated all the circumstances in a letter I wrote in 1825 to Mr. Wynn, at his request, previous to his proposing the Act of 1826, which I beg to give in.

[*The same is delivered in and read, and is as follows:*]

"Dear Sir, 26 May 1825.

"I have the pleasure, at your request, to give you an account of the plan I adopted, while Chief Justice and First Member of His Majesty's Council in Ceylon, for introducing trial by jury into that island, and for extending the right of sitting upon juries to every half-caste native, as well as to every other native of the country, to whatever caste or religious persuasion he might belong. I shall explain to you the reasons which induced me to propose this plan, the mode in which it was carried into effect, and the consequences with which its adoption has been attended. The complaints against the former system for administering justice in Ceylon were that it was dilatory, expensive, and unpopular. The defects of that system arose from the little value which the natives of the country attached to a character for veracity; from the total want of interest which they manifested for a system in the administration of which they themselves had no share; from the difficulty which European Judges, who were not only judges of law, but also judges of fact, experienced in ascertaining the degree of credit which they ought to give to native testimony; and, finally, from the delay in the proceedings of the court, which were productive of great inconvenience to the witnesses who attended the sessions, and great expense to the government, which defrayed their costs. The obvious way of remedying these evils in the system of administering justice was, first, to give the natives a direct interest in that system, by imparting to them a considerable share in its administration; secondly, to give them a proper value for a character for veracity, by making such a character the condition upon which they were to look for respect from their countrymen, and that from which they were to hope for promotion in the service of their government; thirdly, to make the natives themselves, who, from their knowledge of their countrymen, can decide at once upon the degree of credit which ought to be given to native testimony, judges of fact, and thereby shorten the duration of trials, relieve witnesses from a pro-

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tracted attendance on the courts, and materially diminish the expense of the government. The introduction of trial by jury into Ceylon, and the extension of the right of sitting upon juries to every native of the island, under certain modifications, seemed to me the most advisable method of attaining these objects. Having consulted the chief priests of the Budhoo religion in as far as the Cingalese in the southern part of the island, and the Brahmins of Remissuram, Madura, and Infua, in as far as the Hindoos of the northern part of the island were concerned, I submitted my plan for the introduction of trial by jury into Ceylon to the Governor and Council of that island. Sir. T. Maitland, the then Governor of the island, and the other members of the Council, thinking the adoption of my plan an object of great importance to the prosperity of the island, and fearing lest objections might be urged against it in England from the novelty of the measure, no such rights as those which I proposed to grant to the natives of Ceylon ever having been granted to any native of India, sent me, officially, as First Member of the Council, to England, with full authority to urge, in the strongest manner, the adoption of the measure, under such modifications as his Majesty's Ministers might, on my representations, deem expedient. After the question had been maturely considered in England, a charter passed the Great Seal extending the right of sitting upon juries in criminal cases to every native of Ceylon, in the manner in which I had proposed; and on my return to Ceylon with this charter in November 1811, its provisions were immediately carried into effect by me. In order to enable you to form some idea of the manner in which the jury trial is introduced amongst the natives and half-castes of Ceylon, I shall explain to you, first, what qualifies a native of Ceylon to be a juryman; secondly, how the jurymen are summoned at each session; thirdly, how they are chosen at each trial; and, fourthly, how they receive the evidence and deliver their verdict. Every native of Ceylon, provided he be a freeman, has attained the age of twenty-one, and is a permanent resident in the island, is qualified to sit on juries. The Fiscal or Sheriff of the province, as soon as a criminal session is fixed for his province, summonses a considerable number of jurymen of each caste, taking particular care that no juryman is summoned out of his turn, or so as to interfere with any agricultural or manufacturing pursuits in which he may be occupied, or with any religious ceremony at which his caste may require his attendance. On the first day of the session the names of all the jurymen who are summoned are called over; and the jurymen, as well as all the magistrates and police officers, attend in court, and hear the charge delivered by the Judge. The prisoners are then arraigned. Every prisoner has a right to be tried by thirteen jurymen of his own caste, unless some reason why the prisoner should not be tried by jurymen of his own caste can be urged to the satisfaction of the court by the Advocate Fiscal, who in Ceylon holds an office very nearly similar to that held in Scotland by the Lord Advocate; or unless the prisoner himself, from believing people of his own caste to be prejudiced against him, should apply to be tried either by thirteen jurymen of another caste, or by a jury composed of half-castes or Europeans. As soon as it is decided of what caste the jury is to be composed, the Register of the court puts into an urn, which stands in a conspicuous part of the court, a very considerable number of the names of jurymen of that caste out of which the jury is to be formed. He continues to draw the names out of the urn, the prisoner having a right to object to five peremptorily, and to any number for

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cause, until he has drawn the names of thirteen jurymen who have not been objected to. These thirteen jurymen are then sworn, according to the form of their respective religions, to decide upon the case according to the evidence and without partiality. The Advocate Fiscal then opens the case for the prosecution (through an interpreter, if necessary,) to the jury, and proceeds to call all the witnesses for the prosecution, whose evidence is taken down through an interpreter, if necessary, in the hearing of the jury by the Judge; the jury having a right to examine and the prisoner to cross-examine any of the above witnesses. When the case for the prosecution is closed, the prisoner states what he has to urge in his defence, and calls his witnesses; the jury having a right to examine and the prosecutor to cross-examine them. Their evidence being taken down by the Judge, the prosecutor is seldom or never, except in very particular cases, allowed to reply, or call any witnesses in reply. The case for the prosecution and for the prisoner being closed, the Judge, (through an interpreter, when necessary) recapitulates the evidence to the jury from his notes, adding such observations from himself as may occur to him on the occasion. The jury, after deliberating upon the case, either in the jury-box, or, if they wish to retire, in a room close to the court, deliver their verdict through their foreman in open court, that verdict being the opinion of the majority of them; the most scrupulous care being taken that the jury never separate, nor communicate with any person whatever, from the moment they are sworn till their verdict, having been delivered as aforesaid, has been publicly recorded by the Register. The number of native jurymen of every caste in Ceylon is so great, that a knowledge beforehand what persons are to compose a jury in any particular case is so uncertain that it is almost impossible for any person, whatever may be his influence in the country, either to bias or to corrupt a jury. The number of jurymen that are returned by the Fiscal or Sheriff to serve at each session, the impartial manner in which the names of the jurymen are drawn, the right which the prisoner and prosecutor may exercise, of objecting to each juryman as his name is drawn, the strictness which is observed by the court in preventing all communication between the jurymen, when they are once sworn, and every other person, till they have delivered their verdict, give great weight to their decision. The native jurymen being now judges of fact, and the European Judges only judges of law, one European Judge only is now necessary, where formerly, when they were judges both of law and fact, two, or sometimes three, were necessary. The native jurymen, from knowing the different degrees of weight which may safely be given to the testimony of their countrymen, decide upon questions of fact with so much more promptitude than Europeans could do, that since the introduction of trial by jury no trial lasts above a day, and no session above a week or ten days at the furthest; whereas, before the introduction of trial by jury, a single trial used sometimes to last six weeks or two months, and a single session not unfrequently for three months. All the natives who attend the courts as jurymen obtain so much information during their attendance, relative to the modes of proceeding and the rules of evidence, that, since the establishment of jury trial, Government have been enabled to find amongst the half-castes and native jurymen some of the most efficient and respectable native magistrates in the country, who, under the control of the Supreme Court, at little or no expense to government, administer justice in inferior offences to the native inhabitants. The introduction of the trial by native

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juries, at the same time that it has increased the efficiency and dispatch of the courts, and has relieved both prisoners and witnesses from the hardships which they incurred from the protracted delay of the criminal sessions, has, independent of the savings it enabled the Ceylon Government an opportunity of carrying into effect in the judicial department of the island, a plan for the permanent saving of £10,000 a year, as appeared by my report quoted in page 8 of the printed collection of papers herewith sent. No man whose character for honesty or veracity is impeached can be enrolled on the list of jurymen. The circumstance of a man's name being upon the jury roll is a proof of his being a man of unexceptionable character, and is that to which he appeals in case his character be attacked in a court of justice, or in case he solicits his government for promotion in their service. As the rolls of jurymen are revised by the Supreme Court at every session, they operate as a most powerful engine in making the people of the country more attentive than they used to be in their adherence to truth. The right of sitting upon juries has given the natives of Ceylon a value for character which they never felt before, and has raised in a very remarkable manner the standard of their moral feeling. All the natives of Ceylon who are enrolled as jurymen conceive themselves to be as much a part as the European Judges themselves are of the government of their country, and therefore feel, since they have possessed the right of sitting upon juries, an interest which they never felt before in upholding the British government of Ceylon. The beneficial consequence of this feeling is strongly exemplified in the difference between the conduct which the native inhabitants of the British settlements in Ceylon observed in the Kandian war of 1803, and that which they observed in the Kandian war of 1816. In the war between the British and Kandian government of 1803, which was before the introduction of trial by jury, the native inhabitants of the British settlements were for the most part in a state of rebellion; in the war between the same governments in 1816, which was five years after the introduction of trial by jury, the inabitants of the British settlements, so far from showing the smallest symptom of dissatisfaction, took, during the very heat of the war, the opportunity of my return to England to express their gratitude, through me, to the British government, for the valuable rights of sitting upon juries which had been conferred upon them by His present Majesty, as appears by the addresses contained from page 16 to page 50 in the printed papers herewith sent. The charge delivered by my successor, the present Chief Justice of the island, in 1820, contains the strongest additional testimony which could be afforded of the beneficial effects which were experienced by the British government from the introduction of trial by jury amongst the natives of the island. See that charge in pages 289 and 290 of Vol. X. of the *Asiatic Journal*. As every native juryman, whatever his caste or religion may be, or in whatever part of the country he may reside, appears before the Supreme Court once at least every two years, and as the Judge who presides delivers a charge at the opening of each session to all the jurymen who are in attendance on the court, a useful opportunity is afforded to the natives of the country, by the introduction of trial by jury, not only of participating themselves in the administration of justice, but also of hearing any observations which the Judges in delivering their charge may think proper to make to them, with respect to any subject which is connected either with the administration of justice or with the state of society or morals in any part of the country. The difference between

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the conduct which was observed by all the proprietors of slaves in Ceylon in 1806, which was before the introduction of trial by jury, and that which was observed by them in 1816, which was five years after the introduction of trial by jury, is a strong proof of the change which may be brought about in public opinion by the Judges availing themselves of the opportunity which their charging the jury on the first day of session affords them of circulating amongst the natives of the country such opinions as may promote the welfare of any particular class of society. As the right of every proprietor of slaves to continue to hold slaves in Ceylon was guaranteed to him by the capitulation under which the Dutch possessions had been surrendered to the British arms in 1795, the British Government of Ceylon conceived that, however desirable the measure might be, they had not a right to abolish slavery in Ceylon by any legislative act. A proposition was however made on the part of government by me to the proprietors of slaves in 1806, before trial by jury was introduced, urging them to adopt some plan of their own accord for the gradual abolition of slavery. This proposition they at that time unanimously rejected. The right of sitting upon juries was granted to the inhabitants of Ceylon in 1811. From that period I availed myself of the opportunities which were afforded to me, when I delivered my charge at the commencement of each session to the jurymen, most of whom were considerable proprietors of slaves, of informing them what was doing in England upon the subject of the abolition of slavery, and of pointing out to them the difficulties which they themselves must frequently experience in executing with impartiality their duties as jurymen, in all cases in which slaves were concerned. A change of opinion upon the subject of slavery was gradually perceptible amongst them; and in the year 1816 the proprietors of slaves, of all castes and religious persuasions in Ceylon, sent me their unanimous resolutions, to be publicly recorded in court, declaring free all children born of their slaves after the 12th of August 1816, which in the course of a very few years must put an end to the state of slavery which had subsisted in Ceylon for more than three centuries.

(See pages 15 and 16 of the 11th Report of the Directors of the African Institution, and from page 93 to page 100 of the Appendix to that Report.)

One great object which I had in view in proposing the introduction of trial by jury into Ceylon was to increase the value for character amongst the natives of the country, and to increase their attachment to the British government, by making them feel that they had a share in the administration of justice. If your Lordships consider the mode in which the lists of persons qualified to act as jurymen were made up in each province, you will perceive the effect that such lists must have amongst the natives in attaining both those objects. The mode is this: I directed the head of every province to make out a correct list of every man in the province who had attained the age of twenty-one, who was a freeman, who was permanently resident on the island, and a man of respectable character. When this list was returned to me, for fear of any partiality in the making out of it, I sent it back for the public inspection of the people of the district,

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for a certain time, in every subdivision of the district; informing every man in the district that it was his duty to correct any mistake that had been made in that list. When the list came back to me, after having undergone this public examination, and not before, I ordered it to be fixed up in the public court-house in each province, and considered as the only list from which, in future, jurors should be called by rotation to serve at each session. A certain number of days before the court held a session, public notice was issued, that if since the making out of the list any one of the persons whose name appeared upon the list had committed any act by which he had forfeited his good character, or had disqualified himself from having his name continued on the list, it was the duty of his countrymen to come forward and state the fact to the court before the session was opened. If any such fact was stated, the man against whom it was stated had a right to demand an immediate trial by jury as to whether the fact alleged against him were true or not. If it were proved to be true, his name was immediately struck off the public list in public court; if it was not proved, and the charge appeared to have been malicious, he had a right immediately to prosecute the man who had made the accusation against him, and to have him tried before a jury, and if found guilty punished. The effect of this sort of proceeding was, that no man but such a one as was reckoned by the persons of his district a man of high character ever had his name retained upon that list. The people of the country therefore attached great value to their names being upon these lists, for many reasons; first, from this circumstance itself, of their names being upon the list, publicly announcing to the whole of the district that they were conceived in the district to be persons of high character and respectability; secondly, because it gave them an opportunity of shewing their talents in public as jurymen, in the defence of the lives, the liberties, and the property of their countrymen, and was thereby the means of rendering them an object not only of popularity but of admiration amongst their countrymen. They also attached value to it, because it gave them an opportunity of displaying in public their knowledge of the laws, the customs, and the manners of their fellow-countrymen; and by thus calling the attention of Government to their talents, was a certain mode, if they were distinguished, of inducing the government to give them an appointment. They also attached value to it because it increased the value of a good education. In consequence of the superiority which a good education gave them as jurymen, they not only educated themselves, if their education had been deficient, but they took particular care to have their children and friends well educated. Upon these grounds I conceive that the admission of the natives of Ceylon to act as jurymen is a most powerful engine for raising the value of character amongst them, and that it applies to every part of India just as well as it does to Ceylon.

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1973. Did you observe any greater aptitude in any one sect than in another, of those of whom the Cingalese population is composed, for serving on juries or exercising other civil functions?—No; the aptitude was not confined to any particular sect.

1974. Is the degree of knowledge equally diffused among the Mohamedan, Hindoo, and Bhuddist population?—Very nearly.

1975. Does it appear to you to be equally diffused in Ceylon and the other parts of India among the same description of persons?—I should say, generally speaking, that knowledge is more diffused in the Peninsula of India than it is in the island of Ceylon.

1976. You conceive then that there can be no deficiency, either in character or information, attaching to the natives of any parts of the Peninsula which does not equally attach to the natives of Ceylon, disqualifying them from exercising those functions?—I certainly think not; and I take the liberty to refer your Lordships to an opinion of importance in confirmation of what I say, which is the opinion of the late Sir Thomas Munro upon the subject. In consequence of the introduction of trial by jury amongst the natives of Ceylon, Sir Thomas Munro expressed a wish to see me upon the subject; and I met him in the beginning of the year 1817, and explained to him every thing that had passed upon the subject in Ceylon. He told me that he had long been convinced of the aptitude of the natives for such an institution; that he was delighted to find that it had succeeded in Ceylon, because he thought it would have a good effect in making people see that the natives were capable of executing such an institution; that he should, when he had the power of doing it, endeavour to carry the same measure into effect throughout India; and he advised me, if I could, while I was in England, to prepare the minds of persons connected with India for that event. It was principally in consequence of this opinion, in addition to my own observation, that I felt perfectly confident, at the time I wrote the letter of 1825 to Mr. Wynn, that he might safely apply the principle of the Ceylon jury trial to India. In confirmation of this opinion I have found, in the Life of Sir Thomas Munro, which is lately published, a letter from him to the late Marquis of Hastings, in which he distinctly mentions his conviction that native juries should try facts in criminal cases. I have also heard that Sir Thomas Munro, having determined, shortly before his death, to try the experiment, even upon a much more extensive scale than had been done by Mr. Wynn in the Act of 1826, had actually determined to extend the system of trial by jury to a considerable portion of the Madras territories; and that his successor in the government of Madras, knowing his determination upon the subject, and conceiving it of importance to the country that that determination should be carried into effect, did carry it into effect very soon after his death, by a Regulation which I have in my hand, and to which I beg leave to refer.

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I believe the Regulation has since been altered. It appears to me that upon a point of this sort Sir Thomas Munro's opinion is of great value, from the perfect knowledge which he possessed of the native character; and that the strongest proof one can have of his conviction upon the subject, and that of his successor, is to be found in the Regulation to which I have alluded, and which is, I perceive, among the printed papers now before your Lordships' Committee.

1977. Are you aware whether any other steps have been taken of the same nature in the other presidencies?—I hear that steps for carrying the trial by jury gradually into effect have been taken at Bombay, but I am not certain of the fact.

1978. Will you state whether the favourable feeling of the natives towards the introduction of that system existed from its commencement in Ceylon, or whether they have only become favourable from experiencing its benefits practically?—I thought that their feelings were highly flattered from the very first, when they heard that they were to be vested with the right of sitting upon juries. I remained upon the island seven years after the introduction of jury trial, and I was perfectly convinced of its great popularity, and the beneficial effects it had produced in every instance, both upon their understandings and upon their moral and political feelings; and I beg to refer to an opinion that may be considered as less prejudiced in its favour than my own, for the corroboration of my opinion upon the subject; it is the opinion of my successor, the late Sir Harding Gifford, which I beg leave to put in. It is contained in a charge delivered by him on taking possession of his office of Chief Justice, of the authenticity of which I have no doubt.

[*The same was delivered in, and read; and is as follows:*]

EXTRACT from the Charge delivered by Sir Harding Gifford, the Chief Justice and First Member of H. M. Council at Ceylon in 1820, on his taking possession of his office, after the resignation of Sir Alexander Johnston.

"But there is one feature of the history of offences for the last two years so remarkable that it cannot without injustice to the people be overlooked.

"It has been my duty to examine the criminal calendars of that period, with a view to inform myself of the state of offences generally; and I have been both surprised and gratified to observe, that during this interval, an interval marked by violence and convulsion in the interior, there does not appear to have occurred in our maritime provinces a single instance of even a charge of turbulence, sedition, or treason, or of any offence bearing the slightest tinge of a political character. It is too well recorded, and is within the personal knowledge of some of yourselves, that during the Kandian war of 1803, the revolt of some of our maritime districts added in no slight degree to the difficulties of that melancholy period. To what are we to attribute so remarkable a change? Certainly not to the superior character of the government. In mildness and benevolence, Mr. North's

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administration was assuredly not exceeded by that of any of his successors. But, gentlemen, let us ascribe it to the true causes; to the long and steady experience of the blessings of a government administered on British principles, and, above all, to the introduction of trial by jury.

"To this happy system, now (I may venture to say) deeply cherished in the affections of the people, and revered as much as any of their own oldest and dearest institutions, I do confidently ascribe this pleasing alteration; and it may be boldly asserted, that while it continues to be administered with firmness and integrity, the British government will hold an interest in the hearts of its Cingalese subjects which the Portuguese and Dutch possessors of this island were never able to establish.

"It may appear, and with justice, that I indulge some degree of personal gratification in referring to this subject, when I tell you, that in a report made to the government of Ceylon in June 1817, by the Advocate Fiscal of that period, there is contained an observation which shews that this feeling is not new, and we know how fully it has been justified by subsequent events. In that document it is said, that 'amongst the inhabitants of the maritime provinces, I know the jury system to be already' (this was in the seventh year of its operation) 'a favorite. The wisdom of the Supreme Court has most happily adapted it even to their prejudices, so that they had actually begun to feel attachment to it on that account, even before they were aware of all its advantages.'

"And the report adds, 'armies may waste away from climate or disease, and seasons and circumstances may baffle the utmost exercise of human foresight; but, fixed on the attachment of the people to our jurisprudence, I look upon the security of the British interests in' (the maritime provinces of) 'Ceylon to be impregnable.'

"And can we, gentlemen, with these pleasing results before us, omit to render our tribute of recollection to the learned Judges by whose zeal and ability this system has been put so happily into operation?

"Of one of them, holding, as he still does, that station in society so well merited by his talents and services, it would be difficult in me, without indelicacy, to offer more than that tribute which it would be injustice to withhold. To his perfect knowledge of the native habits and character, and his extensive acquaintance with their institutes, it was owing that the jury system was thus so skilfully adapted even to their prejudices, and so deeply rooted in their affections as to have had the consequence in which we now rejoice."*

1979. How long was it before that system of trial came to be so well understood as to work without difficulty?—I found it work with ease the second session after it was established.

1980. You consider, then, that the natives, upon the whole,

* "The Honourable Sir Alexander Johnston, the late Chief Justice and first member of His Majesty's Council, at whose recommendation, and according to whose plan, the trial by jury was introduced into Ceylon, in November 1811, and the right of sitting upon juries, instead of being confined, as it is in other parts of India, to Europeans, was extended, under some modifications, to every native upon the island, the effects of which are to make the natives themselves participate in the administration of justice amongst their own countrymen."

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shewed very great aptitude for the duties they had to execute?—Perfectly; there appeared to be no difficulty at all. I had previously called meetings of them in different parts of the island, and explained to them the nature of the institution, and caused to be translated for their use a portion of an old work current in this country about an hundred years ago, and which, from being written in question and answer, I thought applicable to their mode of considering subjects of this sort. It is called, I think, "The Sheriff and Juryman," but I am not quite certain as to its title. It was circulated, and I believe tended to make the measure popular in the first instance.

1981. Are you of opinion that a reduction of the native laws and usages into a more clear and compendious form is practicable, without giving any dissatisfaction to any part of the native population?—I believe it would be extremely popular, and perfectly practicable.

1982. Do you mean that it is so, by attempting to consolidate the whole into one general code, or by preserving the features of each particular system in so many separate though short codes of law?—I believe that there ought to be a Regulation containing what, after consultation with the Hindoos themselves, may be deemed the present Hindoo law; and that the same ought to be done for the Mohamedans. I beg leave to add, that this ought to be done in consultation with the Hindoos and the Mohamedans themselves; because that is the means of making the measure popular amongst them, and really applicable to the present times.

1983. Can you state what was the proportion of the slave population in Ceylon when you went there?—The proportion of domestic slaves was never, I believe, very accurately ascertained. The necessity to ascertain it was latterly not great, in consequence of the resolution passed by the slave proprietors, that all children born of their slaves after the 12th of August 1816 should be considered as born free; but I should think it might be ascertained without difficulty.

1984. Were those slaves entirely of a domestic description?—Those to whom the resolution I have just mentioned applied were domestic slaves principally. There are also in Ceylon what are called slave castes, very similar to the slaves of the glebe in Russia and in other parts of the north of Europe.

1985. The Regulation which conferred this benefit on the persons of the children born in slavery after the 12th August 1816 applied only to those in a domestic state of slavery?—It applied not to the slave castes, but to the slaves who did not belong to those castes. A considerable portion of those slaves, though called domestic slaves, may have been worked in gardens, and may also have been worked in fields.

1986. Was the Regulation, by which the children of slaves born after the year 1816 were to be free, adopted by the

voluntary act of the persons who would have been entitled to their servitude?—By the voluntary act of all those persons, Christians, Hindoos, Mohamedans, and Cingalese. They at the time were, every one of them, upon the list of jurors.

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1987. You connect, then, the circumstance of their coming to this resolution with the experience they had acquired in their character of jurors?—I firmly believe that it had a very decided effect upon them.

1988. There was no great division of opinion about it at the time it was adopted among themselves?—I believe none. They informed me of their intentions to do so.

1989. Was it in consequence of a recommendation from government?—There was no recommendation from government on the subject.

1990. With whom did it originate?—If alluding to the subject from the bench at the commencement of different sessions can be said to have given rise to it, it originated with me; but I do not mean to say that my suggesting to them what I often did had any more influence upon them than to confirm them in the opinion that it would be a proper act, and that it would render them in the eyes of the court and in those of their countrymen more impartial jurymen.

1991. In what language were the proceedings of the courts carried on in Ceylon?—They were carried on in the language of the jury that were sworn to try the fact, as detailed in my letter to Mr. Wynn.

1992. Supposing a Regulation to be attempted, consolidating the different cases of native law, would it not be necessary to authenticate it in all the languages in which native law is now administered in India?—Certainly; it ought to be translated into every one of the languages in use amongst the natives for whom it is intended. The Hindoos in the Peninsula of India either speak Tamul or Telogoo, or Mayalim, or Canarese, according to the particular districts in which they live. The Hindoos in Bengal also, I believe, speak a variety of different languages.

1993. What is the language of Hindoos in the island of Ceylon?—Tamul; the same as the generality of the Hindoos on the coast of Coromandel.

1994. In what degree is the Persian generally understood, both in Ceylon and on the Continent of India?—In the Peninsula of India the Persian is by no means, I believe, generally understood amongst the common Hindoos of the country. The common languages of the Hindoos of the Peninsula of India are the Tamul, the Telogoo, the Mayalim, and the Canarese.

1995. Does the Persian possess any advantages, as a language, for the administration of the law?—I am not aware of any.

The witness is directed to withdraw.

Ordered, That this Committee be adjourned to Friday next, one o'clock.

APPENDIX

TO THE

EVIDENCE OF JAMES C. MELVILL, Esq.

No. I.

ACCOUNT of the GROSS and NET PRODUCE of the REVENUES of BENGAL, MADRAS, and BOMBAY, combined, and the GROSS and NET CHARGES defrayed out of those REVENUES, from the Year 1823-4 to 1827-8, and as estimated for 1828-9.

PRINCIPAL HEADS OF REVENUE.	1823-24.	1824-25.	1825-26.	1826-27.	1827-28.	Estimate 1828-29.
	£	£.	£.	£.	£.	£.
Land Revenue, Sayer, and Abkaree; Peshcush, Subsidy, and Tobacco	15,110,517	14,545,158	15,400,104	15,565,404	15,384,528	15,641,011
Charges	*1,409,040	3,198,826	3,262,673	3,277,866	3,645,830	3,637,381
Net Produce	10,701,477	11,346,332	12,137,431	12,287,538	11,738,698	12,003,630
Customs	1,582,576	1,634,406	1,661,460	1,702,593	1,793,044	1,859,121
Charges	228,989	230,517	242,994	232,985	227,774	217,464
Net Produce	1,353,587	1,403,889	1,418,466	1,469,608	1,565,270	1,641,657

Salt	2,593,808	2,450,726	2,515,570	2,522,767	2,748,404	2,671,732
Charges	800,104	874,713	659,962	782,185	912,002	852,270
Net Produce	1,793,704	1,576,013	1,855,608	1,740,582	1,836,402	1,819,462
Opium	1,381,924	1,515,302	939,891	1,715,307	2,051,621	1,804,960
Charges	642,030	784,336	562,306	513,101	658,254	464,000
Net Produce	739,894	730,966	377,585	1,202,206	1,393,367	1,340,960
Stamps	305,330	303,470	335,988	378,579	378,848	395,275
Charges	79,958	66,247	63,130	69,101	80,868	81,371
Net Produce	225,372	237,223	272,858	309,478	297,980	313,904
Tribute from Ava	....	....	....	553,138	186,010	208,800
Bhurtpoor State, on account of Charges of War	....	....	....	....	....	92,800
Scindiah's Government for Auxiliary Horse	....	....	....	....	....	161,240
Profits of the Madras Government Bank, from its Institution	....	....	....	620,226	9,162	9,143
Total Gross Receipts	20,974,155	20,449,062	20,853,013	23,058,014	22,551,617	22,844,082
Deduct Charges of Collection, Pensions, Advances for Manufacture, &c.	6,160,121	5,154,639	4,791,065	4,885,238	5,524,728	5,252,486
Total Net Produce of the Revenues	14,814,034	15,294,423	16,061,948	18,182,776	17,026,889	17,591,596

* This includes the Payment of £1,165,165 to the Nizam, for the Redemption of Peshcush.

No. 1.—Gross and Net Produce of the Revenues of Bengal, Madras, and Bombay combined, &c.—*continued.*

CHARGES UPON THE REVENUES OF INDIA.	1823-24.	1824-25.	1825-26.	1826-27.	1827-28.	Estimate 1828-29.
	£.	£.	£.	£.	£.	£.
Mint Charges	67,155	80,462	92,127	86,631	67,876	67,099
Receipts	29,295	21,239	49,964	48,039	47,912	35,467
Net Charges	37,860	59,223	42,163	38,592	19,964	31,632
Post Office Charges	128,592	131,724	135,612	131,639	137,262	135,468
Receipts	117,237	121,570	124,611	127,197	136,460	135,694
Net Charges	11,355	10,154	11,001	4,442	802	226
Charges of the Civil Establishments	1,937,977	2,125,896	2,316,909	2,864,831	2,694,204	2,405,058
Receipts	30,992	29,630	61,802	36,442	55,830	50,847
Net Charges	1,906,985	2,096,266	2,255,107	2,828,389	2,638,374	2,354,211
Judicial Charges	1,558,516	1,654,861	1,664,549	1,726,320	1,836,816	1,774,755
Receipts	105,252	100,933	114,960	122,012	121,180	119,902
Net Charges	1,453,264	1,553,928	1,549,589	1,604,308	1,715,636	1,654,853
Marine Charges	249,138	260,229	375,247	346,178	381,851	370,625
Receipts	53,167	46,727	57,655	56,069	66,290	62,666
Net Charges	195,971	213,502	317,592	290,109	315,561	307,959

Military Charges	8,952,316	11,050,415	13,229,603	11,419,217	10,784,713	9,736,878
Interest on Debt	1,602,218	1,414,265	1,524,152	1,684,116	1,855,705	1,942,671
Deccan Prize Money repaid	....	....	....	....	600,905	—
Total Gross Charges	14,495,912	16,717,852	19,338,199	18,258,932	18,359,332	16,432,554
Deduct Receipts	335,943	320,099	408,992	389,759	427,672	404,576
Total Net Charges upon the Revenues	14,159,969	16,397,753	18,929,207	17,869,173	17,931,660	16,027,978
Add,						
Payments on Account of Subordinate Settlements, in excess of Receipts	172,789	254,353	75,163	125,912	138,019	127,600
Charges of the Island of St. Helena	107,323	110,592	111,530	112,388	123,756	112,690
Territorial Payments in England	891,524	1,217,907	1,073,228	1,316,865	1,243,130	1,512,518
Invoice Value of Political Stores exported to India	403,494	417,935	750,057	1,121,292	808,080	453,437
Total Charges upon the Revenues	15,735,099	18,398,540	20,939,185	20,545,630	20,244,645	18,234,223
Net Produce of the Revenues	14,814,034	15,294,423	16,061,948	18,182,776	17,026,889	17,591,596
Deficit £	921,065	3,104,117	4,877,237	2,362,854	3,217,756	642,627

The Variations between these Results and those shewn in the Accounts already before Parliament are comparatively inconsiderable, and are caused by Adjustments.

Appended to this Account is a Statement of the Items composing both the Charges above stated as Deductions from the Revenues, and the other Charges of the Civil and Military Government for the Year 1827-8, which will fully explain the Nature and Description of Expenditure.

(Errors excepted.)

JAMES C. MELVILL,
Auditor of India Accounts.

East-India House,
16th March 1830.

ABSTRACT STATEMENT of the CHARGES for the Year 1827-8, whether stated as Deductions from Revenues, or as Charges appertaining to the Civil and Military Government of India.

CHARGES upon the LAND REVENUE, SAYER, ABKAREE, and TOBACCO.	Rs.	£.
BENGAL—		
Salaries, Allowances, &c. to the Members of the Board of Revenue, Officers of Account, &c.	22,89,524	
Charges of collecting, &c.	61,29,880	
Extraordinary Charges in excess of Extraordinary Receipt, being for Buildings, &c.	2,47,999	
Stipends, Pensions, and Charitable Allowances	45,41,161	
Sa. Rs.	1,32,08,564	1,532,193
MADRAS—		
Salaries to the Members of the Board of Revenue, Officers of Account, &c.	3,14,359	
Charges of collecting the Revenue, &c.	49,87,349	
Carnatic Deposit, &c.	12,77,741	
Purchase and Charges of Tobacco	2,78,627	
Stipends, Pensions, and Charitable Allowances	47,14,207	
Ms. Rs.	1,15,72,283	1,322,546
BOMBAY—		
Salaries, Charges of Collection, &c.	22,23,034	
Survey and other Extraordinary Charges, in excess of Extraordinary Receipts	4,46,951	
Allowances to Zemindars, Musmoodars, Dessaes, and other District and Village Officers	13,47,896	
Stipends, Pensions, and Charitable Allowances	30,14,037	
By Rs.	70,31,918	791,091
CUSTOMS.		3,645,830
BENGAL—Salaries, Commission, Establishment, and Contingencies	11,40,409	132,287
MADRAS.... Do.......... Do.......... Do	4,55,281	52,032
BOMBAY.... Do.......... Do.......... Do	3,86,266	43,455
SALT.		227,774
BENGAL—		
Advances to Manufacturers	42,91,768	
Convention with the French Government	4,00,000	
Do.... Danish Government	15,000	
Salaries, Commission, Calary Rents, Establishment, and Contingencies	22,61,527	
Buildings, &c.	1,52,888	
	71,21,183	826,057
MADRAS—		
Salt Manufacturers' Share	2,50,542	
Moyen Zabitah and other Charges	3,74,794	
Compensations	25,842	
Advances	1,00,843	
	7,52,021	85,945
		912,002

Abstract Statement of the Charges for the Year 1827-8, &c.—*continued.*

	Rs.	£.
OPIUM.		
BENGAL—		
Advances to Manufacturers	38,79,974	
Compensation to Purchasers of inferior Behar Opium in 1824-5	10,68,608	
Salaries, Agency Establishments, and Contingencies	7,26,024	
	56,74,606	658,254
STAMPS.		
BENGAL—		
Fees to Native Commissioners in the Mofussil Courts	2,27,370	
Purchase of Paper	48,704	
Commission, Salary, Establishments, and Contingencies	3,39,708	
	6,15,782	71,431
MADRAS—		
Commission, Salary, Establishments, and Contingencies	82,576	9,437
		80,868
MINTS.		
BENGAL—		
Salaries, Establishments, and Contingencies	2,01,080	
Loss of Weight in melting the Precious Metals	1,76,787	
	3,77,867	43,838
MADRAS—Salàries, Establishments, and Contingencies	1,78,557	20,406
BOMBAY—...... Do. .... Do.	32,327	3,637
		67,876
POST-OFFICE.		
BENGAL—		
Commission, Salaries, and Establishments	1,25,594	
Dawk Establishment	6,42,293	
	7,67,887	89,075
MADRAS—		
Salaries, Establishments, &c.	64,973	
Tappaul Establishment	1,91,744	
	2,56,717	29,339
BOMBAY—		
Salaries, Establishments, and Contingencies	1,67,538	18,848
		137,262
GENERAL CIVIL CHARGES.		
BENGAL—		
Durbar Charges	3,40,331	
Governor-General's Office	1,80,300	
Expence of Visiting the Upper Provinces	2,95,269	
Embassies and Missions to Native Courts	21,22,670	
Pay of Auxiliary Troops under Gwalior Treaty of Nov. 1817	8,41,128	
Gumber Sing's and Mug Levy, &c.	1,47,305	
Salaries of the Governor-General and Members of Council	5,96,674	
Carried forward	45,23,677	

Abstract Statement of the Charges for the Year 1827-8, &c.—*continued.*

GENERAL CIVIL CHARGES—*continued.*	Rs.	£.
Brought forward........	45,23,677	
BENGAL—		
Public Offices at the Presidency	11,62,849	
Public Establishments, Ditto	9,53,023	
Church Establishment	4,24,736	
Vaccine Establishment	77,139	
House Rent, &c.	81,641	
Repairs of Roads, Buildings, &c..................	2,79,747	
College at Fort William	1,39,637	
Contributions to Public and Charitable Institutions ..	5,47,820	
Schools	1,48,736	
Petty Establishments and Contingencies	3,11,787	
Stipend and Allowances of the Nizamut	22,40,350	
Provincial Battalions and Nujeebs	25,84,904	
Pensions and Charitable Allowances	95,977	
Advances for Buildings, &c.......................	10,03,810	
Batta to Troops employed in the Burman War......	7,86,473	
Extraordinary Charges	81,724	
	1,54,44,030	1,791,508
MADRAS—		
Durbar Charges, &c..............................	1,14,094	
Mysore Residency Charges	1,51,061	
Travancore Ditto	46,826	
Tanjore Ditto	25,181	
Pondicherry Ditto	23,604	
Chepauck Agency Charges	35,497	
Salaries of the Governor and Council..............	2,69,734	
Public Offices at the Presidency	6,01,304	
Church Establishment	2,52,061	
College at Fort St. George	1,74,215	
House Rent	41,875	
Assessment Establishment, Public Instruction, Survey and Engineer Establishment..............	1,47,725	
Hospital and Vaccine Establishment	1,04,956	
Buildings, Repairs, and contingent Charges........	6,56,981	
Contributions to Public and Charitable Institutions ..	2,27,471	
Charges on account of His Majesty's Navy	84,881	
Pensions and Charitable Allowances	1,96,858	
	31,54,324	360,494
BOMBAY—		
Durbar and Residency Charges	7,26,605	
Salaries of the Governor and Council..............	3,41,100	
Public Offices at the Presidency	5,56,350	
Public Establishments, Ditto	65,675	
Public Establishments at the Subordinates	2,95,993	
Church Establishment	2,10,194	
Contributions to Public and Charitable Institutions ..	2,13,991	
Enaumdars	7,05,975	
Buildings, Repairs, Roads, Bridges, &c...........	11,28,039	
Pensions and Charitable Allowances	5,75,749	
	48,19,569	542,202
		2,694,204

Abstract Statement of the Charges for the Year 1827-8, &c.—*continued.*

	Rs.	£.
JUDICIAL CHARGES.		
BENGAL—		
Salaries, Establishments, and Contingencies of the Supreme Court	4,32,337	
Ditto ...... Ditto ...... of the Justices of the Peace, Diet of Prisoners, &c. at the Presidency	2,51,693	
Court of Requests	98,605	
Sudder Dewanny and Nizamut Adawluts	6,38,869	
Provincial Courts of Appeal and Zillah Adawluts	62,69,040	
Provincial Police	17,89,377	
Extraordinary and contingent Charges	3,73,318	
Pensions	38,455	
	98,91,694	1,147,436
MADRAS—		
Salaries, Establishments, &c. of the Supreme Court	3,08,700	
Police Charges, &c. at the Presidency	1,33,040	
Court of Sudder and Fouzdarry Adawlut	2,53,557	
Provincial Courts	25,97,490	
Pensions, &c.	7,342	
	33,00,129	377,158
BOMBAY—		
Salaries, Establishments, &c. of the Supreme Court, &c.	3,68,400	
Police Charges, &c. at the Presidency	1,27,540	
Court of Sudder and Fouzdarry Adawlut	2,62,891	
Provincial Courts	19,39,774	
Buildings, &c.	76,701	
	27,75,306	312,222
MARINE CHARGES.		1,836,816
BENGAL—		
Expence of the Pilot Schooners and Buoy Vessel	3,68,585	
Ditto of the Steam Vessels	87,454	
Ditto of the Lighthouses, &c.	1,08,505	
Master Attendant and Establishment	1,59,148	
Paymaster and Storekeeper, and Establishment	56,496	
Moorings, &c.	86,279	
Offices, Establishments, &c.	68,309	
Buildings and Repairs	311,304	
Pensions	80,266	
	13,26,346	153,856
MADRAS—		
Master Attendant, Establishment, &c. at the Presidency	1,11,955	
Expences at the Out Ports	35,629	
	1,47,584	16,867
BOMBAY—		
Marine Office, Establishment, &c.	1,51,105	
Charges of Marine Cruizers, &c.	11,94,573	
Ditto of Water Boats, Luggage Boats, Ferry Boats, &c.	25,831	
Ditto of Dry Docks, Mooring Chains, &c.	80,444	
Expence of building Vessels, Purchase of Timber, &c.	4,24,741	
	18,76,894	211,128
		381,851

Abstract Statement of the Charges for the Year 1827-8, &c.—*continued.*

MILITARY CHARGES.		Rs.	£.
BENGAL—			
Pay and Allowances, &c. of the King's Troops		39,85,436	
Ditto .. .. Ditto of Company's Troops		2,12,37,362	
Local Corps, Garrisons, Commissariat, and contingent and other Charges		1,34,32,527	
Buildings, Repairs, &c.		22,69,016	
		4,09,24,341	4,747,224
MADRAS—			
Pay and Allowances of the King's Troops		29,12,983	
Ditto............of Company's Troops		1,43,29,343	
Local Corps, Garrisons, Staffs, Commissariat, and contingent Charges..........................		1,38,78,814	
Arrears of Charges of Birman War		26,58,069	
Charges on account of Prince of Wales' Island		2,06,911	
Buildings, Repairs, &c.		3,68,712	
		3,43,54,832	3,926,267
BOMBAY—			
Pay and Allowances of the King's Troops		14,33,933	
Ditto...... Ditto of Company's Troops		93,39,083	
Local Corps, Garrisons, Staffs, Commissariat, and contingent Charges........................		73,55,877	
Buildings, Repairs, &c.........................		6,37,524	
		1,87,66,417	2,111,222
			10,784,713
INTEREST.			
BENGAL—			
Interest on Debts, Deposits, &c. after deducting Receipts for Interest on Bank Shares, &c.......		1,42,19,402	1,649,451
MADRAS—			
Interest on Carnatic Fund and other Deposits..		15,66,460	179,024
BOMBAY—			
Interest on Deposits		2,42,044	27,230
			1,855,705
PAYMENTS ON ACCOUNT SUBORDINATE SETTLEMENTS IN EXCESS OF RECEIPTS.			
ST. HELENA—			
Cost and Freight of Stores consigned to that Island..		69,440	
FORT MARLBRO'—	Rs.		
Bills drawn by the Local Agent	52,315		
Pensions to Native Invalids..............	3,558		
		55,873	
PRINCE OF WALES' ISLAND, SINGAPORE, AND MALACCA—			
Bills drawn to defray the Charges	8,09,496		
Subscription to Bengal Loan received	2,18,200		
Stores supplied........................	73,518		
Compensations, Advances to Officers, and Payments in the Marine Department, ment, &c.	17,595		
Carried forward	11,18,809		
Carried forward		1,25,313	

Abstract Statement of the Chrrges for the Yenrs 1827-8, &c.—*continued.*

		Rs.	Rs.	£.
Brought forward		11,18,809	1,25,313	
PRINCE OF WALES' ISLAND, &c.—*continued.*				
Deduct,	Rs.			
Interest paid on Bengal Loans ..	11,780			
Advances on account Marine Department, &c.	40,363			
Stores	2,155			
		54,298		
			10,64,511	
			11,89,824	138,019

CHARGES OF THE ISLAND OF ST. HELENA.			
		£.	
Salaries of the Governor and Civil Establishment....		14,337	
Charges General—Issues of Stores, Diet, and Allowances		13,561	
Charges of the Marine Department		2,006	
Church Establishment		2,292	
Charges of the Plantation..........		2,311	
Ditto of Silk Establishment		1,550	
Ditto of School Establishment..........		1,669	
Chinese Establishment		2,374	
Highways and Limekilns		674	
Advanced for Emancipation of Slaves		2,648	
Pensions		2,386	
Charges defrayed in England..........		12,614	
Pay and Allowances of the Troops, &c.		65,952	
Stores and Contingencies		9,220	
Buildings and Fortifications		1,989	
Deduct,	£.	135,583	
Amount received for Duties, Licences, and Rents	3,398		
Supplies from India included in the Charges above	8,429		
		11,827	
			123,756

TERRITORIAL PAYMENTS IN ENGLAND.	£.
Payment to His Majesty's Government for Charges incurred at Home on account of King's Troops employed in India	211,452
Ditto as Compensation for Retiring Pay, Pensions, &c. of King's Troops who have served in India	60,000
Passage of Military, and Supplies to them on Voyage	68,761
Furlough and Retiring Pay to Company's Officers	279,564
Off-Reckonings	120,308
Absentee Allowance to the Civil Servants	29,876
Political Freight and Demurrage	134,435
Political Charges General (the principal items of which are stated below)	335,174
Sundry small Payments on account of Tanjore Commission, Subordinate Settlements, &c.	3,560
	1,243,130

Abstract Statement of the Charges for the Year 1827-8, &c.—*continued.*

POLITICAL CHARGES GENERAL.		£.
India Board: Salaries and Pensions		29,896
Home Establishment: Proportion of Salaries as agreed upon with India Board		52,537
Political Annuitants and Pensioners		58,773
Directors' Gratuities (One-Half)		4,238
Allowances to Extra Clerks (Two-Thirds)		16,756
Proportion of Tradesmen's Bills for Repairs, Coals, &c. and Taxes		15,802
Stationery for Home Use (One-Half)		3,591
Proportion of Expence of East-India College		10,403
Expence of raising Recruits for Company's European Troops		34,450
Military Seminary at Addiscombe		18,826
Buildings at Ditto		3,464
Military Officers and Soldiers: Passage Money of King's Officers, Allowances, &c.		21,722
Disbursements in and Expences of the Military Store Department		10,518
Disbursements on account of Horses shipped for India		2,352
Lord Clive's Fund: Excess of Pensions, &c. beyond Receipts		33,133
Law Charges respecting Political Matters		4,189
Allowances for Outfit, Passage, and Equipment to Political Officers		13,284
Batta to Officers employed in the Burman War		24,110
Maintenance of Insane Persons from the Civil and Military Establishments of India		2,972
Proportion of Expence of the Carnatic Commission		3,808
Proportion of Expence incurred in purchasing Books, Maps, &c.		2,077
Gratuities to Political Officers for Public Services		2,141
Charges on account of the Persian Embassy		1,885
Payments on account of Publications useful to the Civil and Military Branches of the Service		2,031
Expence of maintaining, &c. Lascars and other Asiatic Seamen		1,905
Expence of Overland Packets and sundry Political Charges		6,872
		381,735
Deduct,	£.	
Charges attaching to Territorial Exports which are included in the Invoice Amount of Political Stores, &c.	27,972	
Advances recovered in India, which had previously been stated as Charges	9,798	
Received from Assignees of Mr. Card, as a Compromise in the Suit of Murray, Administrator to Hope, against the Company	7,000	
Interest upon Company's Carnatic Stock	1,407	
Fines, &c. for Breaches of Contracts	384	
		46,561
	£	335,174

APPENDIX No. II.

ESTIMATE of the AMOUNT in which the CHARGES of INDIA are expected to be DIMINISHED in future Years, as compared with 1828-9, by the various REDUCTIONS of ESTABLISHMENTS, MILITARY and CIVIL, which either have been actually effected or are now in progress.

	Reduction of the Charges of India in future Years, compared with 1828-9.			
	In 1829-30.	In 1830-31.	In 1831-32.	In 1832-33.
MILITARY.	£.	£.	£.	£.
Effect of Military Reductions at the Three Presidencies (See the detailed Statements, Nos. 1 to 3.)	387,684	643,121	765,639	888,380
Saving by the Reduction in the Established Strength of King's Regiments in India (£100,000 of which, 1-5th, is estimated to take place in England)	*	40,000	60,000	80,000
CIVIL AND MARINE.				
Effect of Reductions in Allowances and Establishments at the Three Presidencies. (See detailed Statement No. 4)	73,437	108,852	125,594	141,174
SUBORDINATE SETTLEMENTS.				
Reductions at Prince of Wales' Island, Malacca, and Singapore. (See Statement No. 5.)........	....	40,020	41,760	41,760
Do. at St. Helena. (Do No. 6.)	3,000	11,050	18,950	18,950
	464,121	843,043	1,011.943	1,170,264
Add Sum in which it is estimated that the Territorial Charges incurred in England will fall short of their Amount in 1828-9......	140,000	260,000	260,000	260,000
Aggregate estimated Diminution of Charge	604,121	1,103,043	1,271,943	1,430,264

* The saving estimated under this head in 1829-30 is considered to be counterbalanced by the expense of providing permanent cantonments for three additional King's regiments in India.

Note.—The Military Reductions are estimated to produce their full Financial effect in 1832-3.

(Errors Excepted.)

East-India House,
15th March 1830.

JAMES C. MELVILL,
Auditor of India Accounts.

Statement, No. 1

BENGAL.

ESTIMATE of the EFFECT of the MILITARY REDUCTIONS which have been ordered at this Presidency; shewing the absolute Diminution of Charge which they are calculated to produce in future Years, as compared with 1828-9.

	In 1829-30.	In 1830-31.	In 1831-32.	In 1832-33.
	Sonaut Rs.	Sonaut Rs.	Sonaut Rs.	Sonaut Rs.
Saving by Reductions ordered previously to 1828-9, producing their full Effect...	1,50,000	1,50,000	1,50,000	1,50,000
Reduction of 80 Men from each Regiment of Native Cavalry............	85,600	1,71,000	1,71,000	1,71,000
Do. of 100 Men from each Regiment of Native Infantry............	2,33,100	4,66,200	4,66,200	4,66,200
Two Guns withdrawn from each of the light Field Batteries	8,000	8,000	8,000	8,000
Two Magazines abolished	4,200	4,200	4,300	4,200
Military Allowances of Officers in the Service of Native States withdrawn	20,000	20,000	20,000	20,000
Establishment of the Arsenal at Fort William reduced	4,500	4,500	4,500	4,500
Establishment of Warrant Officers reduced	14,000	28,000	42,000	47,000
Allowance for Quarter Masters' Carts abolished............	40,000	40,000	40,000	40,000
Military Secretary to Commander in Chief: Salary to be reduced on the next Vacancy	....	10,000	10,000	10,000
Two Deputy Assistant Quarter Masters General to be reduced, as ordered by the Court	....	3,600	....	7,200
Four Stations constituted Half-Batta Stations............	60,000	1,20,000	1,80,000	1,80,000
Establishment of Army Cattle reduced............	1,00,000	1,60,000	1,60,000	1,60,000
Sanatarium discontinued............	13,000	13,000	13,000	13,000
Appointment of Garrison Engineer, &c. of Fort William consolidated with that of Civil Architect............	4,600	4,600	4,600	4,600
Ordnance Establishment of Ramghur Battalion reduced............	3,000	5,300	5,300	5,300

Court's Orders.	Native Cavalry—Two Troops from each Regiment, including 2 Lieutenants and 1 Cornet	60,000	1,20,000	1,80,000	2,40,000
	Native Infantry—Two Companies from each Regiment	2,40,000	4,80,000	7,20,000	9,75,000
Court's Orders.	European Infantry—2 Lieutenants and 1 Ensign from each of the two Regiments	4,000	8,000	12,000	17,000
Court's Orders.	Engineer and Artillery—2 First Lieutenants and 1 Second Lieutenant from each Battalion	*30,000	60,000	90,000	1,25,000
Reductions in the Barrack Department		22,000	30,200	30,200	30,200
Benares, Purneah, and Orissa Provincial Corps disbanded		1,50,000	2,84,000	2,84,000	2,84,000
Sixth, Seventh, and Eighth Corps of Irregular Horse disbanded		3,40,000	6,28,200	6,28,200	6,28,200
Establishments of Army Carriage Cattle reduced		1,80,000	2,88,500	2,88,500	2,88,500
Temporary Reduction of Expense in the Gunpowder Agencies		23,500	31,300	—	—
Timber Agency at Nauthpore and the Timber Depôt at Balloo Ghaut discontinued		15,700	21,000	21,000	21,000
Reductions in the Establishments of the Garrison Engineer, &c. in Fort William, and the Civil Architect at the Presidency		8,000	12,000	12,000	12,000
		18,13,200	31,71,600	35,44,700	39,11,900
Deduct Saving in the Engineers, expected to be counterbalanced by an Increase of Expense at the other Presidencies		6,000	12,000	18,000	25,000
	Sonaut Rupees	18,07,200	31,59,600	35,26,700	38,86,900
	Or, £	200,594	350,707	391,455	431,436

* The Saving in the Engineers is expected to be counterbalanced by a corresponding increase of expense in the same branch at the other Presidencies.

Statement, No 2.

MADRAS.

ESTIMATE of the EFFECT of the MILITARY REDUCTIONS ordered at this Presidency, shewing the absolute Diminution of Charge which they are calculated to produce in future Years, as compared with 1828-9.

	In 1829-30.	In 1830-31.	In 1831-32.	In 1832-33.
	Rupees.	Rupees.	Rupees.	Rupees.
Reduction of the Number of Army Cattle, and of 768 Troopers from the Light Cavalry..	2,30,000	2,50,000	2,50,000	2.50,000
Reduction in the Strength of the Native Infantry	2,00,000	3,00,000	3,00,000	3,00,000
Light Infantry Regiments—One Puckally from each Company in Garrison	3,000	3,000	3,000	3,000
First and Second extra Regiments reduced one-half	60,000	60,000	60,000	60,000
Establishment of Tent Lascars reduced	12,000	18,000	26,000	26,000
Reduction in the Ordnance Department	50,000	50,000	50,000	50,000
Further Reduction in the Light Cavalry	84,000	1,68,000	2,52,000	3,36,000
Establishment of the Gun-carriage Manufactory reduced	10,000	17,000	23,000	23,000
Establishment for Manufacture of Gunpowder reduced	9,000	9,000	9,000	9,000
Vaccination Establishment at the Presidency reduced, and 30 Hospital Conicopolies discharged	6,000	6,000	6,000	6,000
Saving in the Hire of Carriage Bullocks	11,000	11,000	11,000	11,000
Saving in the Field Equipments of the Army	1,50,000	1,50,000	1,50,000	1,50,000
Expence of the Two Extra Regiments of Native Infantry	70,000	70,000	70,000	70,000
Reduction in the Number of Saddles with Light Cavalry Regiments, and short Issues of Grain	20,000	20,000	20,000	20,000
Field Allowances of certain Troops to be discontinued	....	35,000	35,000	35,000
Reductions at Penang and on the Tenasserim Coast	70,000	70,000	70,000	70,000
Veterinary Establishment at Arcot	6,000	6,000	6,000	6,000
Court's Orders. Two Troops from each Regiment of Native Cavalry	59,500	1,19,000	1,78,500	2,38,000
Court's Orders. Two Companies from each Regiment of Native Infantry	1,80,000	3,60,000	5,40,000	7,20,000
Rupees	12,30,500	17,22,000	20,59,500	23,83,000
Or,.... £	140,628	196,800	235,371	272,343

Statement. No. 3.—BOMBAY.

ESTIMATE of the EFFECT of the MILITARY REDUCTIONS ordered at this Presidency, shewing the absolute Diminution of Charge which they are calculated to produce in future Years, as compared with 1828-9.

	In 1829-30.	In 1830-31.	In 1831-32.	In 1832-33.
	Rupees.	Rupees.	Rupees.	Rupees.
Field Allowances to the Troops in Malwa discontinued (only One Month's Charge under this Head occurred in 1828-29)	17,500	17,500	17,500	17,500
Regimental Allowances of Officers in the Service of Native Princes struck off	2,000	2,000	2,000	2,000
Light Battalion at Poonah broken up	2,700	2,700	2,700	2,700
Reduction in the Strength of each Regiment of Native Cavalry and Native Infantry	1,80,000	3,60,000	5,40,000	7,20,000
Evacuation of Mhow by the Bombay Troops. (This Charge may be considered as transferred to Bengal)	35,000	35,000	35,000	35,000
Troop Quarter-Masters of Horse Artillery abolished	2,000	4,000	6,000	8,000
Reduction in the Stud Department	1,500	1,500	1,500	1,500
Court's Orders. { Two Troops from each Regiment of Native Cavalry, and Two Companies from each Regiment of Native Infantry, and Three Subaltern Officers from the European Regiment	1,40,000	3,02,000	4,65,000	6,50,000
Two Companies from the Marine Battalion and from each of the Extra Battalions	5,000	11,000	18,000	26,000
Office of Inspector of Hill Forts in the Deccan abolished	4,200	6,300	6,300	6,300
Office Establishment of Inspecting Engineers advised	3,700	5,700	5,700	5,700
Establishment of Horses and Mules for the "Foot Artillery" Field Guns discontinued	36,000	62,000	62,000	62,000
Saving in the Commissary Department	2,400	4,800	4,800	4,800
Ten Elephants transferred back to the Bengal Presidency. (This Expence must be considered as transferred to Bengal)	4,000	8,000	8,000	8,000
Court's Orders. } Establishment of the European Infantry Regiments reduced	....	32,000	64,000	96,000 { In the following Year. 1,28,000
Expences of the Deccan and Concan Surveys reduced	16,000	38,400	38,400	38,400
Salaries of the Assistant Adjutant General and the Quarter Master General to be reduced on the next Vacancies, each 3,696 Rupees per Annum	—	—	—	—
	4,52,000	8,92,900	12,76,900	16,83,900
Deduct, transferred to Bengal	39,000	43,000	43,000	43,000
Rupees	4,13,000	8,49,900	12,33,900	16,40,900
Or, ...£	46,462	95,614	1,38,813	1,84,601

Statement, No. 4.

ESTIMATE of the EFFECT of the REDUCTIONS which have been ordered in the various CIVIL and MARINE DEPARTMENTS in INDIA, shewing the absolute Diminution of Charge which they are calculated to produce in future Years, as compared with 1828-9.

BENGAL.	In 1829-30.	In 1830-31.	In 1831-32.	In 1832-33.	Ultimate Saving per Annum.
	Sa. Rs.	Sa. Rs.	Sa. Rs.	Sa. Rs.	Sa. Rs.
Saving by a General Revision of the Allowances attached to Offices held by Covenanted Civil Servants. (The new Rule of Service is not estimated to produce any Saving)	75,000	1,30,000	2,00,000	2,50,000	6,30,000
Abolition of Travelling Allowances (with certain Exceptions)	30,000	30,000	30,000	30,000	30,000
Saving by the Arrangements reported in Revenue Letters of 10th and 30th Dec. 1828. (Appointment of Commissioners of Revenue and Circuit, &c.)	50,000	60,000	70,000	80,000	1,07,000
Other Reductions	28,000	28,000	28,000	28,000	28,000
Abolition of Committees of Record in Bengal	59,000	59,000	59,000	59,000	59,000
Reductions in the Departments of Account, Pay, and Audit	8,000	9,000	9,000	9,000	16,500
Saving in filling up the Appointments of Post Master General, Mint Master, and Superintendent of Stamps	30,000	31,000	31,000	31,000	46,000
Office of Superintendent and Remembrancer of Legal Affairs abolished	3,400	3,400	3,400	3,400	27,400
Reductions in the Marine Department	50,000	80,000	1,20,000	1,70,000	2,70,000
Total Sicca Rupees	3,33,400	4,30,400	5,50,400	6,60,400	12,13,900
Or, £	38,674	49,926	63,846	76,606	140,812

MADRAS.	Rupees.	Rupees.	Rupees.	Rupees.	Rupees.
Saving, by a General Revision of the Subordinate Establishments,					
At the Presidency	39,800	39,800	39,800	39,800	39,800
In the Provinces	1,50,000	2,00,000	2,00,000	2,00,000	2,00,000
Proposed Saving in the Departments of Account and Audit at the Presidency	....	....	....	....	49,000
Abolition of the Office of Superintendent of Civil Pensions	....	8,200	8,200	8,200	8,200
Reductions in the Marine Department	....	15,000	20,000	25,000	31,000
Rupees	1,89,800	2,63,000	2,68,000	2,73,000	3,28,000
Or, £	21,691	30,057	30,629	31,200	37,486
BOMBAY.	Sa. Rs.	Sa. Rs.	Sa. Rs.	Sa. Rs.	Sa. Rs.
The Observatory discontinued	6,200	9,300	9,300	9,300	9,300
Office of Statistical Reporter abolished	—	9,200	9,200	9,200	9,200
Proposed Saving in the Departments of Account and Audit at the Presidency	—	—	—	—	26,700
Office of Agent for Sirdars proposed to be abolished	—	—	—	—	29,400
Reductions in the Political Department	40,000	50,000	60,000	70,000	80,000
Ditto in the Revenue Department	50,000	60,000	70,000	80,000	90,000
Ditto in the General Department	20,000	25,000	25,000	25,000	25,000
Military Pay of Officers holding Civil Appointments ordered by the Court to be taken in diminution of their Civil Allowances	—	1,00,000	1,00,000	1,00,000	1,00,000
Sicca Rupees	1,16,200	2,53,500	2,73,500	2,93,500	3,69,600
Or, £	13,072	28,869	31,119	33,368	41,930
Grand Total....	73,437	108,852	125,594	141,174	220,228

Statement, No. 5.

ESTIMATE of the REDUCTION which will be effected in the EXPENCES of PENANG, MALACCA, and SINGAPORE, in future Years.

	In 1829-30.	In 1830-31.	In 1831-32.	Ultimate Reduction.
	Sa. Rs.	Sa. Rs.	Sa. Rs.	Sa. Rs.
Reduction which it is estimated will result from the execution of the Court's Orders to Bengal, dated 7th April 1829, directing that the Government of the Three Settlements be constituted on a different Principle after 1st May 1830, and that various Offices be abolished	Nothing.	3,00,000	3,00,000	3,50,000
Probable Saving from the proposed Abolition of the Recorder's Court	—	45,000	60,000	80,000
Total Sicca Rupees	—	3,45,000	3,60,000	4,30,000
Or, £	—	40,020	41,760	49,880

Statement, No. 6.

ESTIMATE of the AMOUNT in which the CHARGES of ST. HELENA will be reduced in future Years, as compared with 1828-9, by the Operation of the Court's Orders.

	In 1829-30.	In 1830-31.	In 1831-32.	Eventual Saving per Annum.
	£.	£.	£.	£.
Governor	—	2,300	2,300	2,300
Members of Council	—	—	—	1,800
Senior Merchants	—	—	1,200	800
Other Civil Servants	—	600	—	2,310
Chaplain	—	350	350	350
Military Establishment	—	6,000	13,000	16,000
Medical Ditto	—	—	—	1,200
Horse and Forage Allowances	—	400	400	400
Master Attendant	—	—	—	280
Various Savings	—	1,400	1,700	2,000
£	*	11,050	18,950	27,440

* A Saving in 1829-30, of about £3,000, may be estimated through the operation of the Court's Orders.

Die Veneris, 19° *Martii* 1830.

The LORD PRESIDENT in the Chair.

SIR ALEXANDER JOHNSTON is called in, and makes the following statement:

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1996. I was asked, on the former day, whether I originated the measure of the emancipation of the slaves. Certainly I was strongly in favour of it, but I cannot presume to say that it originated with me; it originated with the people themselves; that is to say, with the jurymen who were proprietors of slaves. The only influence I had was from their knowing that they would stand higher in my opinion if they did it, and that I thought it would be a popular measure.

1997. Have the goodness to state what were the prevailing tenures of land in the island of Ceylon?—The tenures of land in the island of Ceylon are variously modified; but I should think that one may distinctly classify them under three general heads. Without using any technical names, I will describe the nature of them. The first are lands that belong completely to the sovereign of the country, and remain under the management of the sovereign. The second are lands which were originally granted by the sovereign of the country to individuals, upon the condition that they were permanently to pay a certain portion of the produce to whoever might be sovereign. As long as the proprietors pay that portion of the produce they may alienate those lands in any way they please, either by sale during life, or by will after death; or if no will is made, the lands descend by inheritance, whoever the proprietor may be, always paying that proportion of the produce which was the original condition on which the lands were granted. The third are lands which are granted by the sovereign for the time being, for the performance of specific services, to head men of different districts, chiefs of districts, and others, for services to be performed for the sovereign of the country. When the person holding lands under such a tenure dies, they immediately revert to the sovereign of the country. They are attached to the office; they can neither be mortgaged nor alienated. Besides what have been mentioned, the government of Ceylon have large tracts of country that are wholly uncultivated. They must have been originally highly cultivated, but, in consequence of change of circumstances, have been left desert and uncultivated.

1998. There is no description of landholder that can be considered as independent of the government?—In no other way than what I have described.

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1999. Can you state in what proportion those three different general heads of tenure prevail in the island of Ceylon ;—No, I cannot, because I have not got the statements that were made out for me in the year 1808, and again in the year 1817. I can procure others, if it is wished.

2000. Can you state in what mode the first description of the lands you have mentioned, namely, those that remain in the possession of the sovereign, are administered for the benefit of the sovereign?—The sovereign has them cultivated upon the most advantageous terms that he can procure; sometimes receiving a half or a third, or less, of the produce, according to the condition he may make; but that is quite uncertain, and depends on the circumstances of the country.

2001. Granting leases of them, or retaining them without lease?—There is no regular lease, technically speaking. Land is generally held by the natives under ancient custom. Under the Portuguese and the Dutch government there were regular registries of lands.

2002. Are there land-stewards employed for the purpose of collecting those rents?—No; there are native officers employed under the Collectors, who have different denominations.

2003. With respect to the second description of lands, what is the form had recourse to by the government for the purpose of securing that portion of the produce which is reserved?—They generally collect it through renters, The right of collecting the government share is sold to the highest bidder. The government share of a whole district is put up for sale to any man who will purchase it, for one year or two years, or whatever the term may be.

2004. With respect to the third description of tenure you have described, is the land resumable at will from the persons to whom it has been granted by the government?—As long as a man holds the office, so long he is entitled to the lands, which are a remuneration for the duties of his office. If a man misconducts himself, and is turned out of the office, he loses his right to the lands.

2005. Have you had occasion to observe under which of those tenures land is most beneficially improved in the island? —I should say under the second.

2006. The rent, in that case, cannot be increased?—It ought not to be increased; it has been sometimes increased, but not usually, and it is looked upon as a hardship if it is.

2007. It is a portion of the produce; not a proportion?—It is a tenth or a half of the produce.

2008. What is the proportion?—That is difficult to say, for in some places the proprietors commute with government for a money payment; government receives its share in money. An

agreement may be made by government with the proprietors, for a year, that they will pay, instead of a tenth of the produce, so much money; that is sometimes done.

2009. Is the tenth understood to be the proportion?—Not always; there are different proportions. The exact statement of these proportions is in print, and the proportions may be seen by it.

2010. Can you state on what that difference depends?—No; it depends on the local circumstances of each province. Those circumstances are reported to government by the Collector of the district.

2011. What is the law of succession with regard to landed property?—In one part of the island it descends in equal shares to male and female, according to the Dutch Roman law; in another part of the island according to the Hindoo law. In the northern portion of the island, containing four or five hundred thousand inhabitants, and in the eastern portion of the island, near Trincomalee, the Hindoo law prevails. Among the Cingalese of the British possessions, their law has been so completely modified by the Portuguese and Dutch conquests, that it is the Dutch Roman law which prevails.

2012. Have the Portuguese inhabitants possessions of their own?—There are descendants from the original Portuguese. There is scarcely any European Portuguese, but a great many descendants from them.

2013. What is the character of that Portuguese population, as distinguished from the European and the native?—Upon the whole their character is very good, depending a great deal upon the efficiency and the activity of their priests, because most of them are Catholics.

2014. Has any inconvenience arisen, that you are aware of, from the existence of that mixed race in the island, in the relations in which they stand, either towards the government or the native population?—I think not; quite the contrary; because I think they have, from their habits, much more feeling in favour of the European government than they have in favour of the natives of the country, and that they therefore are in that respect a security to the European government.

2015. Are they much employed in offices?—Yes; a great many of the writers in all the public offices are descended from the Portuguese and the Dutch.

2016. Are they numerous?—Yes.

2017. Where are those lands in Ceylon which you have described as being now uncultivated, but in former years in a state of cultivation?—The greatest portion of them is in the northern part of the island, within the district called the Wanny.

2018. If it were proposed to bring any portion of that land

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into cultivation, what is the course the government would pursue?—The measure the government would pursue is that which I took the liberty of recommending to the government in 1809, and which was carried into effect by Lord Londonderry when I came to England in that year; it is that of granting lands in perpetuity to any persons who would take and cultivate them.

2019. Either to natives or Europeans?—Yes, to both. The government could have granted lands in perpetuity to natives, but not to Europeans, before the year 1809; for before that period the very same restriction that applied to Europeans holding lands in perpetuity in the Company's possessions in India applied to them in those which had originally been the Company's possession, but which had afterwards become the King's possession, in Ceylon. That restriction was taken off in 1809.

2020. It is granted as a freehold estate, and not upon the principle of the government retaining the proprietorship of the land?—As a freehold estate.

2021. Nothing in the shape of a quit-rent?—Not, according to my original plan. Whether it has since been carried into effect or not I cannot tell; but the object which I had in view was to induce Europeans by every possible encouragement to introduce their capital and skill into the country, which I knew to be absolutely necessary for the improvement of the country and the people.

2022. Have they done so?—In one or two instances, I understand, the government of Ceylon have done so.

2023. What taxes were they to pay?—It will appear by the printed proclamation, that that depended on the agreement between government and the parties to the grant; they were to be exempted from taxes for a certain period, and then to pay, I think, the tenth of the produce.

2024. Was the land intended to be granted fertile?—The land is very fertile; but in consequence of its having been allowed to lie desert for a considerable time, and in consequence of what is called jungle or bushwood having grown upon it, and a quantity of water having settled in particular parts of the land, it is at present unhealthy.

2025. How many years is it since it was cultivated?—It is at present hardly possible to say. I have lately instituted an inquiry into the subject in the Asiatic Society of Literature. It is a very interesting subject in a literary point of view.

2026. How do they clear the jungle?—They most commonly burn it; sometimes they cut it down, They burn it because the ashes make the best possible manure.

2027. Does it get up again soon?—Very rapidly.

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2028. Are the manners of the Hindoo population of Ceylon the same as those of the Hindoo population of India generally?—The manners, habits, religion, and customs of the Hindoo inhabitants of the northern parts of the island are very similar to the habits, manners, customs, and religion of the inhabitants of the Southern Peninsula of India.

2029. Have you observed in them any disposition to adopt the customs of Europeans?—No, I have not, of late years, in that part of the island.

2030. They are more free from prejudice than the Hindoos of the Peninsula, are they not?—I should doubt very much whether they are.

2031. Had any of them any property?—Some of them were formerly people of considerable property.

2032. Had they any inclination or means of consuming British produce or manufactures?—I should say that if their property increased they would certainly have such an inclination.

2033. They have a taste for them, as far as they are within their reach?—Yes, they have certainly a taste for them. There is a remark which I must make, which is, that the Dutch and Portuguese took much more pains to spread their tastes among many of the people of Ceylon than the English have thought it necessary to take to spread theirs amongst the people in the rest of India.

2034. By what measures?—By making the European dress, the European language, the European titles, marks of distinction amongst the natives, and associating in their minds an idea of respect with that of European customs.

2035. Is justice administered to the Europeans in Ceylon in a different way from that in which it is administered to the natives?—No; since the introduction of trial by jury one uniform system has prevailed.

2036. An European would be subject to the courts the same as a native?—Yes. The Chief and Puisne Judges of the Supreme Court are Judges of the High Court of Appeal in Ceylon. This answers to the Sudder Adawluts in Calcutta, Madras, and Bombay, and is a Court of Appeal from all the Provincial Courts in Ceylon. The same system is administered in this appellate jurisdiction, called the High Court of Appeal, to natives, it being administered by the same men, as is administered in the Supreme Court to Europeans. The Judges are bound to administer the same system in both courts.

2037. Do you consider the half-caste as Europeans or natives?—We always consider them as natives; we are bound to do so by law.

2038. Was the Regulation which you alluded to on the

19 Mar. 1830. former day, of Sir Thomas Munro, with respect to the trial by jury, founded on that which was the actual practice in Ceylon?

Sir A. Johnston. —I do not know. I met Sir Thomas Munro in 1817. He seemed to approve of the jury system in Ceylon. On referring to a letter (which is now published in his Life) from him, dated at Madras, to Lord Hastings, he distinctly states that he thinks the natives are the fittest persons to be jurors in criminal cases, and that they ought to be so.

2039. As you have read that minute, and know the practice in Ceylon, how far does it conform to the practice?—I have no hesitation in believing that the Regulation, though modified by local circumstances, is founded on the institutions of juries in Ceylon.

2040. Was the verdict of the jury in the cases in which they were engaged final?—Yes, completely so; it was never interfered with.

2041. An appeal lay with respect to the law?—No appeal lay in criminal cases. If the jury found a prisoner guilty, the Judge passed sentence; but if it was a case of death, there was a reference to the Governor before the sentence was carried into effect; and in a case of recommendation for pardon, it was sent home to the Secretary of State for the Colonies, to be laid before His Majesty.

2042. Are you at all acquainted with the character of the population of India?—The way in which I first became acquainted locally with the character of the population of the Southern Peninsula of India was, that in the year 1808 I proceeded by land from Cape Comorin, through the provinces of Tinnivelly, Rannad, Madura, Trichinopoly, Tanjore, and Arcot, to Madras, and back again, for the express purpose of having an opportunity of observing the character of the people, and the nature of the judicial establishments instituted by the East-India Company in those provinces; and in order that I might, when I came to England, under a commission from the Governor of Ceylon, in 1809, be able to state to the late Lord Londonderry what conclusions I drew from the comparison of the two establishments, that of the Madras and that of the Ceylon government.

2043. Was the effect of that examination to lead you to believe that the population of India were less fit to be trusted with the functions of jurymen than those of Ceylon?—I thought they were just as fit, perhaps more fit, to be trusted with the rights of jurymen than the population of Ceylon, because, generally speaking, they were better educated.

2044. Did you present any report to the Colonial Office upon that subject?—As I came home myself, I presented no formal report. I forget whether I wrote any private letter to the

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office. I had constant personal communication with it, and it was in consequence of that communication that the new charter was made out. There were many points upon which Lord Londonderry wished me to consult the present Lord President of Scotland, particularly on the subject of the majority and number of the jury, which is different in Ceylon from this country. What passed was mostly in verbal communication.

2045. With respect to the part of India to which your observation applied, was the population chiefly Hindoo, or was there a considerable proportion of it Mohamedan?—The greatest portion were Hindoos.

2046. In giving the character which you have of the population, do you make any distinction between the Hindoos and the Mussulman population, as to their fitness for being jurymen?—No. In Ceylon they appeared much the same as to their efficiency as jurymen.

2047. Did they appear the same as to integrity?—Much the same, I think, I am not aware of any particular distinction. There is one thing I can say with reference both to the Mohamedan and Hindoo population, that I have invariably found amongst the higher classes of the military portion of the Mohamedan population a higher sense of honour than I have found among the lower classes of the population of the Hindoos; but I have also found precisely the same thing among the higher classes of the military population of the Hindoos, such as the Rajepoots; I have found amongst them men that I would have trusted with any thing. So I have among the higher classes of the Mohamedans.

2048. Did you feel any difficulty in the working of that system of juries in Ceylon?—None whatever.

2049. Were the decisions of the jurors ever applied to civil cases?—No, they were not, in Ceylon. My reason for not applying them to civil cases at first was because before I did so I wanted to see how the system worked in criminal cases; and because also, I wanted, in the first instance, to avoid making the duties of jurymen burthensome on the people of the country, till I had made them feel that it was an honour to belong to the class of jurors; but, on coming home in 1818, it was my intention to recommend the institution of civil juries and grand juries in Ceylon.

2050. Have you any institution in Ceylon similar to that of the punchayet in India?—I should think that three or four hundred years ago the system of punchayet must have prevailed in Ceylon, as it did in other parts of India.

2051. Was there any thing of the kind practically applied in the decision of cases between the natives, at the time you introduced the trial by jury?—They had a system of arbitrations.

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They did not use the word punchayet; they called it arbitration, and made use of that word for it in Tamul which, if translated into English, means arbitration.

2052. In the Regulations of Sir Thomas Munro, he appears to make the verdict of a majority binding; was that the case in Ceylon?—It was. I am quite sure that if I had required unanimity, and had shut the jurors up till they had come to an unanimous determination, they would have had a perfect dislike to the institution; they would have supposed that the court had some view, and wished to make them give an opinion contrary to their own opinion.

2053. The manner was that of the Scotch?—It is. I went down to Scotland, and communicated with the present Lord President, then Lord Justice Clerk, for three weeks or a month, on this point. My opinion upon the subject was confirmed by that communication. When I came back to England, it was recommended that the Ceylon jury should decide by a majority, and that the number of the jury should depend upon local circumstances; that it should be either five, or seven, or nine, or whatever number might be thought advisable by the Judges of the court. Upon this the then Attorney or Solicitor-general, I am not sure which, objected to the introduction of any modification of our form of jury, thinking that, as our jury was a system that had been found to be the very best for ages, it ought to be introduced as it was. I thought that it would have put an end to the popularity of the whole thing, if I introduced the system as it was in England. Lord Londonderry, therefore, in a conversation with me as to what was to be done upon the subject, said, that as in Scotland it was by majority the jury decide, that would be a very good authority to make it the same in Ceylon; and Lord Londonderry accordingly agreed to that, and to the number of thirteen, although not in accordance with the opinion of the Attorney-general.

2054. What number of jurymen are charged with the prisoner?—Thirteen. The court may summon, at times, as many as from five to six hundred, to prevent the possibility either of their being bribed or of their being overawed.

2055. Had you ever had any reason to suspect corruption in the jurors?—Never.

2056. Were you generally satisfied with their verdicts?—Generally; I may say almost always.

2057. How was the trial conducted before the jury?—In Ceylon the public prosecutor stands in the same situation in which the public prosecutor, the Lord Advocate, stands in Scotland. The prosecution is carried on on behalf of the public. There is no grand jury. The prosecutor, who is the Advocate Fiscal, states to the court and the jury the circumstances of the

charge; he states it in English, it being translated into the language of the jury and the prisoner. Of course he is bound to speak deliberately, and to state the fact clearly. Having stated his case, he calls his witnesses to prove that case; he examines those witnesses in the first instance, or what is called in chief, by an interpreter; the interpretation being such, if the jury does not understand the language of the witness, as to convey what he says to the jury.

2058. Did the jury ever take a part in the examination of witnesses?—Constantly: they asked questions and made notes, and were very particular. When the prosecutor had closed his case, the prisoner stated his defence. It was translated to the Judge into English; and of course, if it was not delivered in the language which the jury understood, it was translated to the jury. When the prisoner had made his defence, he called his witnesses, who were examined by him, if he pleased; or, if he preferred it, by a person who, on my recommendation, was appointed by government to act as the advocate for all prisoners and paupers. If the prisoner thought his case was safer in the hands of this public officer, he made him examine his witnesses. This officer was intended more for a protection for prisoners than for any thing else.

2059. The witnesses for the prisoner were examined in the same way by the jury?—Yes; and cross-examined by the prosecutor. The whole trial was carried on in such languages as were understood by the jury, by the prisoner, and by the Judge; the Judge taking notes of the case, and the jury also taking short notes. When the prosecutor had finished examining his witnesses, and the prisoner had finished examining his, then the Judge read over his notes to the jury, the jury correcting those notes, if they thought the Judge had put down any thing that had been misinterpreted to him. By correcting, I of course do not mean to say that they had any right actually to correct the Judge's notes, but merely that if the jury thought there had been any misinterpretation to the Judge, they had a right to tell the Judge so; and it was the Judge's duty to ascertain whether his notes were or were not correct. It was a great and salutary check upon the interpreters. I always wished the jury particularly to see that the whole interpretation was correct. When this was done the jury, if they had no doubt upon the subject, at once delivered their verdict, by saying that the majority of them were of opinion that the prisoner was either guilty or not guilty. If they had any doubt, they retired to an adjoining room, and came back and gave their opinion in court.

2060. Was sentence passed immediately?—No.

2061. The Judge summed up?—Yes. All that he did was merely to read over his notes, and remark upon the evidence, but not endeavour to enforce any opinion of his own upon their

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2062. Did this summing up pass to the jury through an interpreter?—Always, if they were not English Europeans.

2063. Did it appear to you that the natives could be satisfactorily examined through an interpreter?—With the jury to correct any misinterpretation, I thought there could be no danger whatever.

2064. Did not that depend upon your belief that the jury would examine them accurately, though the counsel might not? —I thought that the danger of a false or mistaken interpretation was of course removed by thirteen natives sitting with me in court, who were most likely to be able to tell me if the notes of evidence I read over to them were correct as to the evidence given by the native witnessess.

2065. Did they appear very anxious to do their duty?—Very anxious.

2066. Do you think that this species of trial would be applicable in civil cases to most places where they have been accustomed to decide their differences by means of punchayet?—I should think so, for it is only an improved description of punchayet.

2067. What is the number of which a punchayet consists?—Of five; it comes from the word *paunch*, or five.

2068. As you have had a good deal of practice in the native courts, how far do you concur in the opinion distinctly given to Lord Hastings by Sir Thomas Munro, in the last letter he wrote to him, that no European was competent to examine the native evidence?—That is expressing a more general opinion upon this subject than I should venture to do. I should certainly say, that generally speaking, a native was more competent than an European (if you can get the fair unbiassed opinion of the native) to give his opinion upon a point of native evidence. The great difficulty is to get at the unbiassed opinion of a native. Of course an European who has been living with natives many years, generally speaking, must be competent to examine them and weigh their evidence.

2069. How is the court of appeal you spoke of composed?—It is composed of the Governor, the Chief and Puisne Justices, who are the two Judges of the Supreme Court, the Chief Secretary of Government, and the head of the Revenue Department. The Chief Secretary of Government and the head of the Revenue Department are two of the civil servants of His Majesty in Ceylon.

2070. How is justice administered in the interior?—I do not know. At this moment I believe it is under discussion. That has nothing to do with the Supreme Court. The part of the

interior called Kandy is kept entirely distinct. What the system there at present is I am not aware.

2071. You cannot speak to any jurisdiction beyond the Supreme Court?—I can speak to the whole of the jurisdiction in the maritime part of the island, and in the whole of the territory which the British Government possessed before the conquest of the Kandyan territories. The jurisdiction of the Supreme Court in criminal matters extends over every part of the British dominions that were British before the conquest of the Kandyan country. The Supreme Court administers that jurisdiction partly at sessions held at Colombo, and partly at sessions held on circuits made throughout the ancient British territories on the island.

2072. The Dutch were considerable proprietors of slaves, were they not?—Of domestic slaves.

2073. Did they not agree that after a certain period all slaves born of their slaves should be free?—They did.

2074. Was that agreed to by the Dutch gentlemen who formed the grand jury?—It was, by the Dutch and other proprietors who were jurors in every part of the British possessions.

2075. That example was imitated by all the others?—It was, by all the proprietors of domestic slaves in Ceylon.

2076. You are understood to have stated, that the Hindoos of Ceylon were not disposed to adopt European habits and fashions?—I do not think they are indisposed, but they have not the means.

2077. Do you think they were less disposed than the other Asiatic inhabitants of India?—I think they are more disposed than the generality of the people of India.

2078. Do not you think that the peculiarity of their religious creed and the institution of caste has a very strong tendency to indispose them to change?—I believe that caste makes it more difficult to alter them than would otherwise be the case. The idea of caste has been associated, for a long time, in their minds, with that of their religion. I do not think that it was originally so. I believe, from what I have seen in the books of the Buddhists, that caste in India was, at first, merely a political division, much the same as the political divisions of society in Europe were in ancient times; but that some artful politician united the idea of caste with religion, to make the distinctions of caste more permanent; and that the early distinctions of society in India, from being united with religion, have been longer preserved than they were in Europe.

2079. Do you think that the Hindoo creed has a stronger tendency to keep those who were subject to it in a state of ig-

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norance than the Mohamedan creed?—No; I am not aware of any reason for believing that; I think not.

2080. Do you think that the Hindoos are generally in an uncivilized and degraded state, as compared with the Mohamedans of Hindostan?—I think not.

2081. Do you think there is more flexibility of character in the Hindoo than in the Mohamedan?—No, I do not think that there is. The most genuine Hindoo manners and Hindoo feelings are to be found in the southern part of the Peninsula of India.

2082. You do not conceive that either the peculiarities of the Hindoo religious creed, or of the natural character of the individuals, produce any peculiar obstacle to change of habit?—No, I think not. There is a work lately published, which decidedly shows that this is not the case; it is the work of Mr. Rickards, a man not speaking from theory, but speaking from great personal observation and experience in India.

2083. Were challenges allowed to jurymen?—Yes; five peremptorily, and others for cause.

2084. Were the juries in the island of Ceylon composed partly of Europeans and partly of natives?—No; of all natives to try natives. It depends upon the case. If the prisoner is a Brahmin, the jurors are all Brahmins, unless he wishes to have a jury of other classes.

Sir Alexander Johnston then delivers in a copy of a memorandum, which, at the request of the late Marquess of Londonderry, he had drawn up for his Lordship, a short time before his death, in consequence of a conversation which had passed between his Lordship and Sir Alexander, with respect to the improvements which might be introduced into the system for administering justice in India, and in consequence of his having asked Sir Alexander to put down upon paper for him the result of the different observations which he had made upon that subject during his residence in Ceylon from 1802 to 1818, and during the two journies which he had taken, the one in 1808, the other in 1816 and 1817, through the southern provinces of the Peninsula of India, for the purpose of becoming locally acquainted with the people and the country, and comparing the system of administering justice in those provinces with that which prevailed throughout the British possessions on the island of Ceylon.

MEMORANDUM.

"The Supreme Court at Madras to consist of six Judges, to have a criminal jurisdiction over all the territories and persons, natives as well as Europeans, under the Madras Government.

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"The Judges to make frequent criminal circuits throughout those territories, having native grand and petty juries for the trial of native offenders at each place where they hold their criminal sessions.

"The Sudder Adawlut at Madras to consist of the Judges of the Supreme Court, and a certain number, as at present, of the Company's senior civil servants.*

"A person, either from the Scotch, the English, or the Irish Bar, to be attached as legal adviser to each of the four provincial courts under the Madras Government.

"An Act to be passed, specifying what part of the English law shall apply to the British and other Europeans in India.

"That a Hindoo code, for the use of all the Hindoos under the Madras Government, be forthwith drawn up, in communication with the best informed Hindoos in each of the provinces under the Madras Government.†

"That a Mohamedan code, for the use of all the Mohamedans under the Madras Government, be drawn up, in communication with the best informed Mohamedans in each of the provinces under that government.

"That a Regulation be framed, specifying the nature of the different acts which are to be deemed criminal offences, and the nature of the punishment which is to be attached to each of those acts.‡

"That the Hindoo and Mohamedan code, and this last-mentioned Regulation, be translated into all the different languages which prevail throughout all the British territories under the Madras Government, and that they be published throughout those territories.

That all the respectable natives of the country be admitted to act, as frequently as possible, as grand and petty jurymen, as Judges and as Magistrates, under the superintendence and controul of the Supreme and Company's courts.

"That the proceedings in the Company's Courts be carried on in the most usual language of the people of the country in which they are established; that writing be dispensed with as much as possible in those proceedings; and that all suits be decided as near as possible to the homes of the parties and witnesses who are concerned in them.

"That a code be made of all the different maritime customs and laws of all the different classes of natives of India who trade with any part of the coasts of the Company's territories in India, and that it be translated into all the different languages which are in general use amongst those people, and that it be made as public as possible amongst them.§

* See, upon this subject, the statement given by Sir Alex. Johnston to the Master of the Rolls.

† See, upon this subject, the Regulation issued on Ceylon, and the code of Hindoo customs and laws drawn up under the Bombay Government by Mr. Elphinston's orders.

‡ See, upon this subject, the Regulation drawnup at Bombay, in 1827, upon the criminal law.

§ See, upon this subject, the statement given by Sir Alexander Johnston to the First Lord of the Admiralty.

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"That native as well as European Judges be appointed at the most convenient ports, to decide with the least possible delay and expence all such maritime cases as may be brought before them.

"That a right of appeal be allowed from all the superior courts in India to the court in England for hearing India appeals, in all cases of a certain amount and a certain description.

"That the court in England for hearing India appeals be composed of the Judges who retire upon pensions from the Supreme courts in India, Ceylon, the Isle of France, and the Cape of Good Hope, and of some of the Company's retired civil servants who have been Judges of the courts of Sudder Adawlut in India; and that it be perfectly understood that the Judges are to receive no other remuneration but their pensions for belonging to this court.*

"That the President, and one other of the members of His Majesty's Privy Council, being a lawyer of professional eminence and high rank, be appointed by His Majesty to preside in this court.

"That a certain number of the Judges of this court be in regular attendance, for the purpose of trying all such cases of appeal as may come before them.

"That they deliver into both houses of Parliament, at the commencement of each session, a statement of the number of cases which have come before them; the number which they have decided; and the number, if any, that are in arrear.

"That they also deliver in to both Houses of Parliament, once every year, a report of the state of the system for administering justice in India; specifying what defects they have observed in that system, and what improvements they propose.

"That the Judges of all the differemt Supreme Courts in India be appointed as the Judges in England are appointed, not during pleasure, but during good conduct; and that they be removeable from their offices only by addresses from both Houses of Parliament to the King."

The witness is directed to withdraw.

Ordered, That this Committee be adjourned to Tuesday next, one o'clock.

Die Martis, 23° Martii 1830.

The LORD PRESIDENT in the Chair.

JAMES COSMO MELVILL, Esq. is called in, and further examined, as follows:—

23 Mar. 1830. — *J. C. Melvill, Esq.*

2085. Will you turn to No. 40 of the printed paper laid before Parliament relating to the finances of India. You will find there a statement of commerce of British India with Great Britain and other countries. Will you state what was the amount of import into Bengal from Great Britain in the year 1826-7, stating it in pounds sterling?—£26,935.

* See the statement upon this subject given by Sir Alexander Johnston to His Majesty's Ministers and the Board of Controul.

2086. Turn to the next page, the same item, and state what are the exports from Bengal on account of the East-India Company to Great Britain?—£1,718,890. 23 Mar. 1830. J. C. Melvill, Esq.

2087. What do you understand by the term "commerce," when the imports are more than forty times as great as the exports?—I understand the excess of exports from Bengal to arise from the necessity under which the East-India Company are placed, of bringing home from India produce, the proceeds of which are required to repay the advances made in this country on account of the territorial charges.

2088. Then, in fact, it is not commerce, but it is proceeds of goods purchased in India?—It is a trade of remittance.

2089. In fact, what is generally understood by the term "commerce" does not exist, or exists to a very small degree, between the East-India Company and their possessions in India? —If by "commerce" your Lordships mean transactions beginning with the export of goods from this country to be returned in produce.

2090. Your accounts are divided into territorial and commercial accounts. A great profit appears to exist on this trade account; is that credited on the territorial or the commercial account?—The cost of the surplus of the Company's exports from India beyond their imports into India, is credited to the territorial by the commercial branch, as so much repaid of the advances made out of the commercial funds in England on the territorial account.

2091. When you use the expression, "surplus of the exports from India," you mean that sum applied in India in any one year to the purpose of investments for Europe beyond the sum that would have been produced by the proceeds of the commercial exports to India in that year?—Clearly.

2092. In your statement of the annual deficiency of the territorial revenue, this sum of fourteen or fifteen hundred thousand pounds is brought to the credit of the territory before that deficiency is made out?—The transactions between the territorial and commercial branches do not enter into the statement of the revenues and charges of India. I will explain the principle upon which the statement which shews the deficiency is made up. We credit every thing that can be considered as territorial revenue, and we debit every thing that can be considered as charge, including all charges which have been incurred and paid in England, as well as those incurred and paid in India; and the balance of the account so made out shews either the sur plus or the deficiency.

2093. Will you turn to page 16 of these accounts, and state what is understood by the term, "revenues realized;" does that mean net or gross revenue?—The term implies gross revenue realized in cash.

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2094. Has it been ascertained, since you were here last, what the deficiency in the revenue of Bombay arises from?—No further information has been received than I stated to the Committee on Tuesday last.

The witness is directed to withdraw.

Sir EDWARD HYDE EAST, Bart., M.P., attending, is called in, and further examined as follows:—

Sir E. H. East, Bart.

2095. Have you had an opportunity, since you were here last, of referring to a paper to which you alluded, respecting the amounts of salaries and emoluments received by officers of His Majesty's Supreme Court of Judicature at Fort William and other settlements?—I have one of the papers ordered to be printed by the House of Commons on the 5th of February in the present year, which contains the exact account of all the returns made by the officers of the court; it is the most authentic document of the actual receipts of salaries and fees.

2096. Have you had occasion to refer to the paper you formerly delivered in, respecting the British population within the jurisdiction of the Supreme Court at Calcutta, and the other matters connected with the judicial system, and with respect to laws and usages?—I have. I have brought into the text many of the marginal notes I had made from time to time, as my experience grew on those subjects; and I have also made a few small explanatory additions. I cannot present the third set of papers, relating to the proposed reforms of the Mofussil laws, courts, and practice, as containing a perfect system, but only as pointing out the several respects in which I think the present system is capable of amendment.

2097. With reference to the paper of fees to which you have adverted, printed by the House of Commons; when the principal settlement took place in 1803, were they increased or diminished, as compared with fees formerly received?—I believe that, in every instance where any alteration has taken place at all, within my knowledge, they have been diminished. I cannot answer for every particular, for the mass of them were framed long before I went to India; but in every instance that I am aware of, where any alteration was made in the fees, I believe they have been diminished: I am sure the alteration was never undertaken with a view to increasing them.

2098. Are you aware that many fees were received for which there was no authority at all?—So I see stated in that return. I was not aware of the fact before I read it in that return.

2099. You cannot state what steps were taken upon those fees so received without authority?—I cannot. I should observe that there are several of the offices in the Supreme Court at Calcutta that, in point of emolument, are very much better

than the situation of the Judges themselves; but that has arisen, in a very great degree, from the increase of business from time to time. When the business originally was much more contracted, perhaps the fees altogether did not amount to more than under circumstances might have been thought proper; but as the business increased, with the amount of the fees originally settled, those offices became certainly very much overpaid. I should imagine, that with respect to several of the offices mentioned in the paper referred to, as the fees amount to so much as they do, there would be no reason at all for retaining the salaries in addition to the fees.

2100. Is stealing from the person a capital offence in India? —Stealing from the person and a variety of other offences have been lately reduced into one Act, the Act of the 9th George IV., by which the criminal statute law of India has been mainly assimilated to the present state of the criminal law in England; and therefore a great many of the anomalies and inconsistencies that before existed in the King's Courts in India have been done away, and the greater part of the criminal law of India now, at least in the Supreme Courts, is the same as in this country; and where there is still any difference in the mode of dealing with the same offence, it is in mitigation of the punishment rather than in aggravation of it.

2101. Has a similar alteration taken place in respect of the Act for maiming and wounding?—Yes; the Act called Lord Ellenborough's Act has how been extended to India. I have mentioned, in one of the papers now delivered in by me, an instance which occurred before myself, of having two offenders tried in the same sessions, one who came under the Black Act, and the other under Lord Ellenborough's Act, before the provisions of that Act were extended to India, when I was obliged to pass a much milder sentence on the more atrocious offender of the two, at the same time that I was under the necessity of passing sentence of death on the other, whose offence, though coming within the Black Act, was of a much less atrocious character, in point of moral guilt, than that of the former.

2102. Is it usual now to substitute labour for transportation? —It is not yet so. That is one of the recommendations which I have made in the papers I have presented, and especially in the interior of the country. The transporting a man who is to go a thousand miles overland before he is transported across the seas is quite incongruous, and must add greatly to the expense. There is another recommendation I should advise in the treatment of offenders adjudged to imprisonment that exists in the Mofussil courts. It is a practice with them, where offenders, except of a very atrocious kind, are adjudged to be imprisoned, to direct that they shall be worked out of doors in the daytime: and I think that is a very important and necessary altera-

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Sir *E. H. East*, *Bart.*

tion to be made in the law there as administered by the Supreme Courts; for in that climate, and with natives of the description who are usually subjected to imprisonment in our gaols for larcenies and such like offences, the mere confinement within a gaol is really of little effect to the individual; very often it is a physical advantage to him, though a moral disadvantage, for he often gets better fed and better housed than in his own house. In point of health, also, it is very desirable that, in all cases where imprisonment is awarded as a punishment for offences, the court or the government should have an opportunity of directing the offenders to be employed in works out of doors. They can rarely be employed in works within the gaols; and being kept there without any employment at all engenders bad habits. It would be a great improvement if such an alteration were to take place.

2103. Do you not think it would be attended with advantage if in the Hindoo courts of law in which the Persian language is now used the English language was substituted?—That is my opinion. I believe it would be both reasonable in furtherance of justice, and politic also in the government. I have stated my reasons more at large in the papers I have presented.

2104. Are not the fees received by the officers of the different courts under the controul of the Judges of those courts?—Certainly they are, in respect of all proceedings in causes in court; but I am not sure whether there are not some fees regulated by Act of Parliament in particular cases. If I recollect rightly (but it is now several years since these subjects have been passing from my recollection), the Act which imposed the duty of taking out administration to deceased persons who had no legal representatives on the spot on the Registrar of the Supreme Court, mentioned what fees he was to receive for such service. But however this may be in particular cases, I may say generally that all the fees of the officers of the court are under the controul of the court.

2105. Are the Judges in the habit of looking periodically to the fees taken, that there may be no abuse?—The fees ordered to be taken are settled in the table of fees, and I believe are regularly taken accordingly; and occasionally, from time to time, as the business has increased, or the attention of the court has been particularly called to the subject, they have been looked at; but I cannot say that they have been looked at very frequently.

2106. The question referred to those not provided for in the table?—I never heard, before I saw the return lately printed by order of the House of Commons, that certain officers had taken fees without having express authority to do so. No fees, of course, could be legally taken without the authority of the court.

The witness is directed to withdraw.

RICHARD JENKINS, Esq. is called in, and examined as follows:

2107. What situations did you hold in India?—I held the situation of Political Resident at the court of Nagpoor for the greater period of my residence in India.

2108. What was the general nature and character of the Nagpoor government?—It is rather difficult to describe its general nature and character in a few words, otherwise than by saying it was originally a military government, but that its principles were in some measure modified by the circumstance of the Rajah having himself risen from the cultivating class. He was also checked in his court by the opinions and influence of his chiefs; and generally his government was as mild as could be expected under those circumstances; but the chief object of government was to collect revenue, and there was very little attention paid to the judicature or the police of the country, which were left very much in the hands of the subjects themselves.

2109. Under what system was the land revenue collected?—The system was a system of village settlement principally. The immediate demand of government was on villages. The Potail was the middle-man. He was both agent of government in collecting the rents, and the chief farmer of the village, to whom the ryots looked up for any pecuniary assistance on all occasions on which they required it.

2110. Was the Potail simply responsible for the payment of the revenue?—He was the responsible person for the payment of the revenue.

2111. He had power committed to him of obtaining payment from the ryots?—He had; but the government so far interfered as to insist on his engagements with the ryots being recorded in a rent-roll, which specified the name of each ryot, the field he occupied, and the circumstances which changed every year, in order to be on the one hand a check upon the Potail that he did not oppress the people, and that they might on the other hand see what he collected, he himself receiving a nominal sixth, I think, of the rents which were collected from the village altogether; that was his remuneration.

2112. Was the payment by each ryot changed from year to year?—Yes, if the ryot was content, under all circumstances; but it must be said that the demand on the Potail was regulated by the government, without immediate reference perhaps to the state of his collections. They demanded certain sums according to the necessity of government, and the Potail was bound to provide for realizing that sum, in proportions, of course, from each ryot according to what they had paid in the previous year.

2113. If there was a difference between the Potail and the

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ryot as to what they should pay, how was that settled?—By the Pergunnah Collector, the Pergunnah consisting of a certain number of villages; perhaps 75,000 or 80,000 rupees on an average.

2114. Had they ever recourse to a punchayet under those circumstances?—Under those circumstances, I think they have not.

2115. What was the general state of landed property?—In the Nagpoor territory, the greater part of it, there were in fact no rights to the soil either in the Potails or in the ryots; the Potails were generally Ijarahdar Potails; they held their office at the will of the government.

2116. Were they military officers as well as collectors of the revenue?—Entirely agriculturists.

2117. What appeared to be the general effect of the system on the prosperity of the country?—As long as the wants of the government were not pressing, the effect seems to have been very good. The country was originally conquered by the Mahrattas from a very poor race, and they, by means of cowls and other encouragements, brought it into cultivation, and it advanced to a certain degree of prosperity, which is spoken of very advantageously in general.

2118. What is a cowl?—It is a promise not to collect above so much in a certain number of years from the land, and the persons then engage to employ their capital and bring it into cultivation.

2119. A cowl is an agreement with the Potail for a term of years?—It is a kind of protection on the part of the government from any extra demands upon him for a certain number of years.

2120. What was the usual number of years for which that arrangement was made?—I think five years was about the usual period, or from five to seven.

2121. Was that considered sufficient?—That was generally considered sufficient for bringing a village into that state under which the government agent would pronounce a fair rent ought to be paid for the lands according to the general rates of the country

2122. What was the system of civil and criminal justice?—The system of civil and criminal justice scarcely can be said to be any system at all. Justice was administered in petty criminal cases by the Potails or the heads of the Pergunnahs; or, if they amounted to any serious offence, they were generally brought before the Rajah himself; or where there was a Subahdar under the Rajah, who had charge of the province, he decided those superior causes. It was the same in civil cases. The Potail would decide the smaller ones, either personally or

by punchayet, and the Collector of the Pergunnah in the same way. The higher ones went to the Rajah or the Subahdar.

2123. Did they on all occasions convene a punchayet?—Generally on almost all occasions.

2124. Were they bound to abide by the decision of the punchayet?—There was an agreement taken from the parties, which bound them to abide by the decision of the punchayet; and the general feeling of the country was very strongly in favour of the punchayet. They considered its award almost as a decision from heaven, according to the proverb they applied to it.

2125. How were the members selected?—Usually each of the parties selected two, and the fifth was nominated by the local authority, president, or punj, as he was called in some parts of the country.

2126. By what laws were the proceedings regulated; had they any established law?—There were no established laws; it was generally a thing left entirely to their discretion, according to the local circumstances of the country, which every person in the village was supposed to understand more or less. If it was a case of inheritance or a partition of property, it was decided according to the Hindoo law. They called in the assistance of a Shaster to expound it; but usually it was a very summary kind of proceeding, with no fixed law.

2127. Did the customs vary very much from village to village?—It is difficult to say that they did vary; the decisions would probably vary considerably.

2128. Are there any courts of appeal?—There was always a petition open to the Rajah or the different local authorities, as a matter of course; but it depended very much upon the circumstances of the parties whether the person to whom the petition was made would pay any attention to it.

2129. From what class of persons was the Subahdar taken?—The Subahdar was usually a military officer; he combined both military and civil powers in his district.

2130. Were there any persons of large hereditary property in the country?—There were none at all. Every situation under government was to a certain degree hereditary. Though the emolument might pass to another, the name always remained, and perhaps part of the fixed salaries would remain to the old incumbent.

2131. Was that habit preserved in the case of a Subahdar?—I think not in the case of a Subahdar. I speak merely of the ministers of the Rajah.

2132. From what class were they selected?—They were generally Brahmins.

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2133. What was the system of police?—The Potail and the village officers were the general moving power in the country, and the village community were all more or less bound to assist; but there was one officer in particular, called a Cutwal, in each village, one or two, according to the size of the village, whose peculiar duty it was to keep the peace.

2134. Were they hereditary?—Those were generally hereditary.

2135. Were they paid in money or by land?—Partly one and partly the other; the custom differed in different parts of the country.

2136. Under this administration was there any security of person or of property?—Latterly there was very little security of person or of property. The country was overrun by Pindarrees, and the Rajah himself being reduced to distress by keeping up larger bodies of troops than his finances could sustain, turned plunderer himself, and employed robbers to take away the property of every person who had any; and this was not only all over the country where it might be unobserved, but in the city of Nagpoor itself.

2137. Before that state of things commenced, had there been security of person and property under the Rajah?—There certainly was, to a considerable degree.

2138. After the year 1818 the government was administered to a certain degree by British functionaries, was it not?—It was.

2139. Can you state the extent of the country subjected to British functionaries?—The country was very large in proportion to its produce and population; it was never regularly measured, but it was estimated at about seventy thousand square miles. The population was about two and a half millions, excluding some of the more wild districts of which we could not ascertain the population.

2140. Was that the whole population of the Nagpoor territory?—It was, as far as we could ascertain the whole population of the Nagpoor territory, with those exceptions. The revenue was about forty-six or forty-seven lacs of rupees.

2141. What changes were introduced into the administration of the country?—We left every thing almost as we found it, as far as the forms and the names of the officers went; but European officers were placed in situations where Subahdars had been before, to exercise a general superintendence over the country. They managed the revenue through native collectors of the subdivisions.

2142. What number of British officers were so employed?—I think it was divided into five superintendentships.

2143. Did those British officers administer justice as well as take care of the revenue?—They did. 23 Mar. 1830.

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2144. Were appeals made to them?—Appeals were made to them from the decisions of the native Collectors of the smaller divisions, in all cases above a certain amount.

2145. Was the police under their direction too?—Yes, it was. The administration of the country, in revenue, police, and judicature, was under their charge.

2146. Was any alteration made in the mode of settling the revenue?—There was no alteration in the mode; they still made their settlements through the Potails. The village rent-rolls, which had been very much corrupted, they endeavoured to reduce to their original purpose, *viz.* to express faithfully the engagements between the Potails and the ryots, and to make them records by which both sides should be bound, instead of obliging the Potail to grant leases, which was not the custom of the country.

2147. Did the revenue vary from year to year under this management?—Under this management it varied in some degree from year to year, according to the seasons rather.

2148. The assessment was considered the same?—It was generally the same.

2149. Was it a low assessment?—I think upon the whole it was low.

2150. Much lower than that which had in former times been exacted?—Yes, judging of the effect of the administration; the country increased under it in population and in revenue.

2151. Was there considerable improvement in the state of the country?—It was very sensible.

2152. Did the people appear to be very well satisfied?—They were in general very well satisfied. Some of the higher classes probably, whose oppressive exactions were put a stop to, and whose importance was in consequence under a cloud, were not so well satisfied as the general mass of the inhabitants were.

2153. What was the opinion you were led to form regarding the probity and efficiency of the native officers?—With regard to their efficiency, we always found officers sufficiently qualified to perform the duties assigned to them. We took the officers, generally speaking, as we found them. We were careful not to exact too much from them in the way of probity, hoping that in the course of time, seeing we were resolute that they should be as pure as we could make them, they would improve; but we feared that if at first we evinced a disposition to exact more than we were authorized to do, all improvement would be com-

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2154. Had you occasion to dismiss or punish any of them?—In the first instance a few were dismissed; but, as I observed before, the orders to the superintendents were not to be over severe with them in that respect, but to endeavour to reform rather than to punish.

2155. Did you make any arrangement for the purpose of preparing the country for a purely native administration?—All our arrangements were completed with that view. We wished rather to bring the country back to what it had been in its best times, than to introduce any European principles into the general administration. With the exception of that, we adhered to the system we found in force, which system seemed of itself to be sufficiently well calculated for all the purposes of good government.

2156. The only practical alteration you introduced was that of establishing British officers at the head of the districts?—In the judicial department we insisted on having regular records of decisions, both in criminal and civil cases, to a certain extent. Of the smaller causes only, which were decided by the Potails and punchayets, we had no record; but when the government officers, the native collectors, were employed in the administration of justice, they were obliged to record their decisions, and the grounds of them. The superintendents also, who decided the civil causes, regularly recorded their decisions, and the whole evidence.

2157. A part of the territory was lately restored to the native prince, was it not?—The central part, the part in which there was the smallest number of wild Zemindars, whom he could not be expected to manage well, was restored to the Rajah.

2158. What circumstances induced you to restore it to the Rajah, after having had it under your administration?—The Rajah's coming of age.

2159. What syste mof administration is now adopted, or was recommended to be adopted, in that part of the territory now restored to the Rajah?—The same system is still continued, except that where there was an English superintendent before there is now a native superintendent.

2160. Sufficient time has not elapsed to form a judgment how far that has succeeded?—No.

2161. What are the peculiarities of that part which still remains under the British government?—A very large proportion of the country is in the possession of wild Zemindars, who pay nothing but a quit-rent to government. They are in great measure independent in the exercise of their authority over the country.

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2162. The system of administration in that part of the country was probably always different from that in the country nearer Nagpoor?—The system of administration is the same, as far as that which pays revenue immediately to government is concerned; but the irregularities were greater the further it was from the seat of government.

2163. If the whole land territory taken from Nagpoor under your management had been placed under a management similar to that which has been established in other parts, do you think the country would have been in a greater state of improvement? —I cannot think it would have improved much more than it did under the government which existed. It is open to compare the state of the country so managed with that of other parts ceded at the same time to the British government.

2164. Can you state the total expense of the management as established by you: that of the British officers employed?—I cannot, from memory. I think the total expenses of the civil management of the territory were from seven to eight lacs of rupees.

2165. There was a large expenditure of a military description, was there not?—There was a military force which would have been requisite under any circumstances, and which was much smaller than had been kept up before.

2166. Can you at all state the expense which would have been incurred in managing that country as our own territories are managed?—I am not able to state that.

2167. The management established in Nagpoor was much cheaper than that in other countries?—I imagine it was. The country was very poor. The regular establishments, as they existed in the Company's country, would have been more burthensome than the finances of the country would have afforded.

2168. Were all the officers employed in Nagpoor under you military officers, or were they civilians?—They were military officers.

2169. What allowances did they receive, in addition to their military pay and allowances?—1,750 rupees a month, in remuneration of superintendence, originally; it has been since reduced, I believe, to 1,500, including military allowances and all.

2170. How many assistants had you at Nagpoor?—I had three assistants at Nagpoor, independent of those who managed districts.

2171. How many officers were employed in each district?—Originally only one; afterwards there was an assistant in the district of Chetteesgur only, which was very extensive.

2172. Were the officers employed in the district perfectly

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competent to perform the functions that devolved upon them? —As far as my judgment went, they appeared to me perfectly competent to perform the functions that devolved upon them.

2173. There was a native force at Nagpoor nominally in the service of the Rajah, was not there?—There was.

2174. How was that officered?—It was officered by British officers.

2175. How many officers were there to each battalion?—I think four or five in one brigade, and only two or three in the rest.

2176. Was that force in a state of discipline to be compared with the discipline of the Sepoy regiments in our own service? —I believe the brigade specified was considered so, generally.

2177. The number of officers employed in each battalion was greater than had been at a distant time employed in our own regiments, was it not?—In early times, the number was not so great.

2178. What was the highest situation held by the natives in those regiments?—The same as in the Company's service; the rank of Subahdar.

2179. All the higher offices were held by British officers?—Yes, in the infantry; in the cavalry there was one at the head of it who had been an officer of high rank under the Mahratta government, who kept his situation with a British commandant, although the effective command rested with the British commandant. Each rosalla of horse, or each regiment, as it might be called, had a British officer at the head of it, and a native officer who got as much as 600 rupees a month.

2180. There were no native officers of the same rank in the infantry?—Not of so high a rank. The infantry, in fact, were raised in the same way as the Company's were raised; the horse were formed from the old establishment of the Nagpoor government.

2181. Did any of those wild Zemindars you have spoken of serve in the army?—No.

2182. How had the native army been officered before we had the management of it?—It was generally a foreign army. Their grades of rank were much the same as we kept up in the horse. We did not make many alterations in the treatment and command of the horse, except by having European officers over them.

2183. Do you mean that it was officered by foreigners?—The whole force were foreigners, as far as related to the Nagpoor country, both in officers and men. Some were Hindostanees, some Mahrattas.

2184. But not natives of Nagpoor?—Very few indeed were

natives of Nagpoor, either of the infantry or cavalry, except the irregular infantry; the sibundee, or militia force, as it may be called, of the country. Most of the Nagpoor horse were foreign, both officers and men. 23 Mar. 1830.

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2185. From what part of the country were they drawn?—Both from Hindoostan and the Deccan. Even the Mahrattas were principally from the Poonah side of the country.

2186. Had any lands been held on the tenure of military service?—For a short time the government divided a considerable portion of this territory among the military commanders, in order to remove from itself the burden of payment, allowing them to collect themselves in the same way and with the same authority as the Subahdars exercised in those parts of the country managed by them.

2187. Had the natives of Nagpoor any means of acquiring education?—Education was carried to a very small extent indeed.

2188. Had they any law officers?—There were, in fact, no law officers; except probably a few men of learning in Nagpoor and elsewhere, who were employed as occasion required when called upon to give their opinion on points of Hindoo law, but those were very few.

2189. You have said that no rights to the soil existed on the part of the ryots?—As far as we could ascertain, there were none. Our wish was to fix every right that had been invaded in the time of the former government. We wished to restore things to their original footing; but we found that no such rights were claimed by the inhabitants.

2190. You did not conceive that to be a consequence of conquest?—They appeared never to have existed in that part of the country.

2191. Were the village officers hereditary?—The principle of hereditary succession appeared to be very generally entertained. And even with regard to landed property, it was not customary to remove a Potail or a ryot from the lands he occupied, as long as he paid the assessment, whatever it might be, that was demanded of him.

2192. Did the police officers occupy any lands in right of their offices?—Yes, very small; but they were usually cultivators on the part of government, as well as of those lands assigned them in payment for their services.

2193. You mentioned that you wished to bring back the administration of the country to its best times; to what time do you refer?—The times referred to are those of the second Rajah after the Mahratta conquest of the country. The Rajah's name was Jenajee. He lived in about 1760. The country was

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2194. There is not much Mohamedan population?—The Mohamedan population was very small indeed. The population I do not at this moment remember; but it was, I remember, very small.

2195. Was the tenure of the ryot under any lease or instrument?—A rent-roll. In each village there was a paper which was a record of the lands of the village, including the name of each field (every field had a name), the name of the occupant, and the rent he was to pay. This was altered according to the circumstances of the case, each year, as the amount of the rent on any field might alter. There was a new one made out every year. The occupancy might alter, and another ryot might have the occupation of that field. This change took place constantly in the Nagpoor country. If the ryot did not pay the rent demanded, the Potail had power to remove him; in the same way a ryot, if he did not choose to pay, would go to another village.

2196. How long were you in Nagpoor?—Nearly twenty years.

2197. You were there before the difficulties which occurred latterly?—I had scarcely arrived at Nagpoor, in the beginning of 1807, before I saw the whole country in a blaze, and almost every village burning, within a few miles of the city of Nagpoor, and this going on from year to year.

2198. Were you the first Resident at Nagpoor?—I succeeded Mr. Elphinstone there.

2199. Then you were not acquainted with the country in what you would call good times?—No.

2200. What were the different gradations of judicial authorities through which justice was administered?—The Potail was the lowest; above that the native Collector of the pergunnah; and above that, if it was a district at a distance from the capital, the Subahdar of the district, or, if nearer the capital, the Rajah.

2201. The decision of the Rajah, you say, applied to matters of importance?—Usually.

2202. Was that both in criminal and civil cases?—Generally in both. He decided in person or ordered a punchayet, as he thought proper. I do not mean to say that the Rajah sat in a regular court; it was transacted as any other business would be before him, with the assistance of his ministers for the time being. It was seldom, however, that civil causes came before him at all, for the expenses of any litigation before the officers of government were so great that the people usually preferred to settle their disputes among themselves.

2203. They were chiefly settled by the Potail and the pun-

chayet?—Chiefly. If the sum was a sum of consequence, the Rajah rather wished it to be tried before him, that he might fleece both parties; for a portion, a fourth, I think, went to him as a fine on the loser, and another fourth was taken from the person who gained the cause, as a douceur for the trouble of deciding it.

2204. In what degree did the authority of the Potail and the punchayet apply to offences committed against the public peace?—Those cases were left very much to discretion; the Potail might almost do what he liked; of course he was so far checked by the public opinion of the villagers that probably he was thence less likely to do an oppressive act than an officer of government, and they would sooner suffer a little than appeal.

2205. Did they ever resort to the punchayet in criminal cases?—Never in criminal cases.

2206. You stated that the people appeared to be generally very well satisfied with the administration of justice?—That alludes to the latter period, when we had the administration of the country. I alluded, indeed, to an early period, in which the people say that they were satisfied with the government of the country generally; that the government took no more from the country than was consistent with leaving the inhabitants in good circumstances.

2207. From your own observation, when you went there, had you reason to believe that the people were satisfied with the native government?—Far from it; for they had little protection from foreign invasion. The Pindarries were constantly ravaging the country; and the Rajah's troops, if they were sent to suppress them, plundered them; and the Zemindars plundered the ryots in the districts immediately near them.

2208. During the time it was under the administration of British authority, did they use the punchayet much?—It was used in every case in which the natives did not object.

2209. Was your attention particularly drawn to the proceedings of those punchayets, and the decisions under them?—Not to the proceedings of those punchayets, except in the court established in the city for the trial of the superior causes which usually arose there.

2210. Had you any reason to believe that much corruption prevailed?—I think the general complaint was, that in the city, where the business of punchayets fell into the hands of professional persons, I mean a set of people who, having scarcely any thing to do, were generally called for the purpose, there was both great procrastination and great corruption. At a distance from the capital the same complaint did not exist.

2211. Was there a right of appeal from the decision of the punchayets?—No, except in a case of corruption.

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2212. To whom did the appeal lie?—The appeal came to the Superintendent.

2213. Had you an opportunity of observing the manner and conduct of the native officers under the Nagpoor government? and if so, state your opinion.—Where the government seemed to pay so very little attention to the maxims of justice and good faith, it was very unlikely that we should find that the officers under them would do so. Every person who held a situation under the Nagpoor government at that time paid for it, consequently they were allowed to take every means in their power to reimburse themselves.

2214. What were the duties that fell on the assistants and the other European officers; were they duties of superintendence?—The assistants I spoke of were with me at the residency, in order to assist me in my general duties. There was only one Superintendent at a distance, who had an assistant to take part of the judicial duties off his hands, the revenue and political duties of the Superintendent with the petty tributaries occupying too much of his time.

2215. Was he actually engaged in the administration of justice, or did he merely superintend the native officers in their administration of it?—He was actually engaged in the administration of it, in both civil and criminal cases; in civil cases and in criminal cases of a certain amount; and he received appeals in all cases from the decisions of the native authorities under him, and had power to revise their proceedings.

2216. How were those cases to which his authority did not reach decided?—There were no cases to which his authority did not reach in the administration of his immediate district.

2217. How were those cases which did not come under his superintendence decided?—By the officers under him.

2218. What was your general opinion of the native officers, as to the confidence that could be placed in them in the administration of government or of justice?—I had every confidence in the natives generally speaking, so far as they were strictly superintended and looked after. We could not expect to find, after a total want of all government which had taken place before we took charge of the country, that there would be great probity or great honesty in the natives. I attribute that to the loose state in which they were.

2219. How were they paid; were the amounts of their salaries large or small?—They were rather small. A native collector got to the amount of about one and a half per cent. on the amount of his collection.

2220. Had you ever any opportunity of observing the conduct of the natives who were intrusted with the administration of justice, or the administration of the country, in any part except

Nagpoor?—I have scarcely had any experience of that kind. I have been almost stationary in the Nagpoor territory. Every part of that I visited over and over again; but, with the exception of an occasional visit to Hydrabad, or once or twice to Bombay, I have been in that country for twenty years. 23 Mar. 1830.

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2221. You can speak to the character of the natives only in Nagpoor?—Just so.

2222. In what respect did it appear to you that the cultivation of land in Nagpoor was improved during your residence there? —I mean to say, there was a large portion of country which had been out of cultivation brought into cultivation during the time we held the country, and that under rather unfavourable circumstances; because, from the destruction of the Pindarrees, every country round was reviving at the time, and the prices of grain fell very much from what they had been.

2223. Did you observe that there was much improvement in the implements of husbandry which were used?—There was no improvement in the implements of husbandry at all.

2224. What species of plough is used?—It is a very coarse sort of implement, a crooked thing, with a little bit of iron at the end of it; it costs but three or four rupees; the material is of the coarsest wood; sufficient rather to scratch the ground than to plough it up, according to our ideas of ploughing.

2225. Do you not think great advantage would arise from the use of European implements of husbandry?—I have no doubt that European implements might be constructed to suit the different soils in India, and much better than they have now; but the expense of them would be greater, I fear, than the ryots could afford.

2226. Are they in the habit of using manure?—They do use manure in the better articles of cultivation to a great amount, particularly in the cultivation of sugar, and the cultivation of the betel-leaf, which is in much request among the natives. Tobacco is also manured.

2227. Do they use dung?—They do, of all sorts.

2228. Is it not very much the habit to burn dung for fuel?— The dung of cows and bullocks is very commonly used, both for fuel and for forming the floors of their houses, amongst the Hindoos.

2229. That being so valuable for those purposes, is scarcely applicable for the purposes of agriculture?—No; it is chiefly the dung of sheep and of other animals.

2230. Did you observe that the mode of cultivation pursued by the officers of Government who had land was superior to that generally pursued by the ryots?—I think, looking at the capital of the cultivator, there was an improvement. Still the implements were the same; but the difference was, that they could

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afford probably an additional expense of irrigating the land, of additional bullocks, or keeping up wells formerly dug. They had better crops of course.

2231. You stated that the amount of revenue depended much on the seasons; did you not find that those lands in a superior state of cultivation were more independent of the effect of the seasons than others?—Those lands that were more irrigated were more independent of the seasons than others.

2232. You conceive that the introduction of capital would be attended with very considerable advantage to the cultivation of land?—I have not a doubt of that.

2233. When you mentioned that you did not think the territory of Nagpoor had suffered since it had come into the possession of the Company, as compared with other territories that also came into their possession at that time, did you make any allusion to other territories in which indigo has been introduced?—Not to my knowledge. I alluded to countries that were immediately in the neighbourhood of the Nagpoor territory, or those that had been taken from the Peishwa and annexed to the Company's territory.

2234. Indigo is not grown in Nagpoor, is it?—No. There is the wild plant found in the country, but it has not been cultivated.

2235. Do you know why it has not been cultivated?—I have no knowledge of the circumstances.

2236. Have you known that in the countries in which it has been introduced there has been a very considerable increase of wealth to the inhabitants?—I had no means of informing myself; but I have no doubt that the introduction of a more valuable article of cultivation would have that effect.

2237. Have you observed, in those cases in which the collector was raised to the situation of Judge, that more suspicion was entertained of him by the natives than in the case of a Judge who had not been previously collector?—Not having resided in the Company's territory, I have not had the means of ascertaining that; but as far as I could observe from our own practice, in which the Superintendent was Collector and Judge, I think there was no reason to suppose the natives felt any incompatibility in the two characters; on the contrary, it was according to their own practice—the union of powers.

2238. You mentioned that sugar was grown in Nagpoor; are you aware of any sort of foreign machinery being used in the cultivation or preparation of sugar?—There is no foreign machinery introduced into that country; it is what has been used from time immemorial by people of the country.

2239. Have you reason to think very great improvements might be made in the quality of the sugar, by the introduction

of machinery?—I am not aware of the effect of the improvement of machinery in improving the quality of the sugar, but I suppose it might. 23 Mar. 1830.

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2240. Have you heard of such machinery being introduced into parts of the Madras territory?—I have not.

2241. You stated that the assessments in Nagpoor were moderate; can you state what proportion of the produce they take?—It is extremely difficult to make out; but I think they were taken to be from a fourth to a third; but I will not state this as being at all a thing I could vouch for.

2242. Can you state the expence of collection per cent.?—I cannot, at the present moment.

2243. Do you know the expence of collection in the Company's territories?—I do not.

2244. What is the principal religion of the country?—The principal religion of the country is the Hindoo.

2245. Under what code of laws is justice administered?—The Hindoo, as far as any code of laws is administered, in the cases of inheritance or partition of property; in other respects it is completely discretionary, the judgments that are given, or were, at least.

2246. In criminal cases, how is it?—We recommended that there might be some fixed rule. We took from the Bengal Regulations the general punishments for the principal crimes, and recommended their adoption to the Nagpoor authorities, which was adopted rather to have some system than to leave it discretionary.

2247. At present the law enforced is similar to that enforced by the Bengal Regulations?—With regard to criminal justice.

2248. In regard to civil justice it is according to the Hindoo code?—According to the custom of the country. In the case of punchayets, they are satisfied from their own knowledge of it; and the Judges can ascertain it from the officers about them. It is done in a rude but in a summary kind of way.

2249. Does slavery exist in Nagpoor?—There is a degree of slavery which has existed in the city of Nagpoor particularly, but to a very small extent. It is that, in seasons of famine, which have unhappily not been uncommon in that part of the country, as in others under the scourge of the Pindarrees, it has been the practice for the people to purchase the children of the poor, who, in order to subsist themselves, are compelled to part with them. Those are brought up in their families, and instances, I believe, occur in which they are not particular in retaining them; if the parents or relations claim them, they are generally willing to give them up; otherwise they use them as domestic slaves.

2250. Are the children of slaves also slaves?—I am uncertain of that; I do not think that they are.

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2251. Is there any difference in the value of the testimony of a slave and that of another person?—I never heard of any distinction being made. The powers the masters exercise over them are in fact no more than they would exercise over any other part of their families.

2252. Are there any agricultural slaves?—None, I think, except in this way, that there might be in a family of a cultivator slaves acquired in the manner I have mentioned; but they are not connected with agriculture more than any other employment.

2253. There are none attached to the soil?—No, certainly not.

2254. What are the principal articles of cultivation?—The grains in the greater part of the country are wheat, rice, and jowary, a species of maize, which is the common food of the Mahratta peasantry, being the cheapest.

2255. Is opium grown there?—Hardly at all; perhaps a man who has a garden and the means of watering it may cultivate a small quantity.

2256. Is any monopoly on the part of the Company exercised over the opium grown in that way?—No; there is nothing on the subject of it in the existing treaties as to the cultivation of opium in the country.

2257. You have stated that a good deal of unproductive land had been brought into cultivation by means of what are called cowls, promises not to raise the rent; can you state at all what quantity of unproductive land during the time you resided in Nagpoor was brought into cultivation by those means?—I cannot. The country having never been surveyed, the accurate number of square miles is scarcely known of the Nagpoor territory.

2258. Should you say a very considerable portion?—Yes, from my own observation; and I was constantly in the habit of marching about the country, to see how things were carried on.

2259. Was there a pretty general desire on the part of the inhabitants to obtain those cowls?—It was at first more than afterwards, when the prices of grain were so low that it was extremely difficult to introduce satisfactorily, without throwing other lands out of cultivation, the further improvement of the waste lands.

2260. What class of persons were those who applied for and obtained those cowls?—Generally Potails. One man, if he had a little extra capital to spare, would agree to employ it on a neighbouring village, if he could procure it on the terms of a cowl.

2261. Was the object generally to bring the land entirely into the same state of cultivation, or to effect further improve-

ments?—Generally to make an improvement on their capital, expecting to pay at the end of the period of time, or seven years, for those lands that were brought into cultivation the rents paid for other lands in the country. 23 Mar. 1830. *R. Jenkins, Esq.*

2262. Are they in the habit of growing the same crop on the same land in successive years?—I believe there has been a good deal of that habit; but in reference to the more valuable articles of cultivation they have some variation of crops.

2263. What species of grain is most benefited by irrigation?—I am not exactly prepared to say; but rice, for instance, could not be produced at all without constant irrigation. Wheat is very much improved by irrigation, as they know very well; and where they can they employ wells, or any water they can get hold of, to increase the produce.

2264. When you undertook the management of the Nagpoor territory the finances were greatly embarrassed?—They were.

2265. When you surrendered the government into the hands of the Rajah, what proportion did the revenue bear to the expenditure?—I think the revenue was about forty-seven lacs of rupees, and the expenditure about forty-four, subsequently reduced to about forty-two before I gave over the country to the Rajah, producing a surplus of near five lacs of rupees.

2266. Had there been a progressive course of improvement?—Constantly progressive. There was a little check in the first instance, by a dreadful famine which took place, arising from the ravages of the Pindarric, and the armies which had been moving over it and plundering it, and also by bad seasons. The first two or three years were consequently very unfavourable for any improvement.

2267. At the close of this term, do you suppose there was a greater or a less degree of wealth in the country than at the time of its commencement?—I should say there was rather an improvement; except perhaps that a number of the military class had wealth, and who went off during the disturbances. We know, for example, in the city of Nagpoor there were twelve or fourteen additional mercantile and banking houses established in the eight or nine years that the country was under our management; and in the agricultural class, to every appearance, there was more wealth than there had been before.

2268. Was not the improvement rather a decrease of charge than an increase of production?—The last improvement of the country was a decrease of charge, but the general improvement was an increase of production. The original revenue was thirty-six or thirty seven lacs of rupees, and it had increased to forty-seven, the produce of the land revenue and the produce of customs and excise, and that after giving up the transit duties on grain, amounting to a lac and a half of rupees, which

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were abolished as being considered a burthen on agriculture. In the course of two or three years not only this sum was made up, but further increase took place.

2269. What was the amount of the Rajah's military force stationed at Nagpoor?—The Rajah's force was about 3,000 infantry, and 2,000 cavalry, exclusive of irregulars, employed chiefly for the purposes of police and of revenue operations.

2270. Do you attribute the increase of revenue to the removal of those taxes?—I think that they contributed to the increase of the revenue, by promoting the general prosperity of the country and the facility of exchange.

2271. What is the state of the roads in Nagpoor?—I am sorry to say, that as to the roads, with the exception of those we have constructed in the immediate vicinity of the capital, extending from the different cantonments to the city, there were very few in the country. An attempt was made to form a road to extend to Calcutta, but I believe it was found advisable to discontinue it.

2272. Is there any means of communication by navigation? —The rivers are not navigable sufficiently high up. There is one river called the Wineganga, and another the Wurda, which join the Gordaveray; some attempts have been made to open a communication with the coast by means of them, but there are a variety of obstacles in the way from rapids and rocks. A third river is the Mahanuddy; for a certain number of months in the year it is practicable to navigate it from Cuttack into the eastern districts of the Nagpoor territory, probably from July to January. They might, no doubt, be more than at present used with advantage to the country.

2273. There is no communication by canals?—There is not.

2274. What do they use for fuel besides cow-dung?—Wood is the usual article of fuel. Cow-dung is used entirely by Hindoos.

2275. Do they use it because wood is too expensive?—I do not know that it is in that part of the country, for there is a great deal scattered through the country which they can have for cutting. I believe the Hindoos use it from the respect they have for the article.

2276. The communication is carried on by what means?—By bullocks and by carts in the dry season. In the period of rains it is almost impossible to carry on any communication. Buffaloes and small horses of the country are not uncommonly used, as well as bullocks and carts.

The witness is directed to withdraw.

Ordered, That this Committee be adjourned to Thursday next, one o'clock.

Die Jovis, 25° Martii 1830.

The LORD PRESIDENT in the Chair.

The Honourable MOUNT STUART ELPHINSTONE is called in, and examined as follows:— 25 Mar. 1830.

The Hon. M S. Elphinstone.

2277. You have been Governor of Bombay?—I have.

2278. What other situations have you held in India?—I was first four years Assistant to the Judge at Benares, and in the College in Bengal; I then went as Assistant Secretary to the Resident at Poonah; I then went as a sort of Political Assistant or Secretary with the Duke of Wellington; from that I was made Resident at Nagpoor, afterwards acting Resident in Scindia's camp, and then Envoy to Caubul; I was then Resident at Poonah, where I continued till the breaking out of the war with the Peishwa. I was Commissioner of the Conquered Territory; and for the last eight years Governor of Bombay.

2279. What are the several modes of revenue settlement under the presidency at Bombay?—In some few parts settlements are made with proprietors of tracts of country; more commonly with the heads of villages, or with the village communities, or with the individual cultivators. In some instances tracts of uncultivated country are given in farm to any people who will undertake to lay out their capital in improving them.

2280. So that there is no general system, but the mode of collecting the revenue is adapted to the circumstances of the country?—Exactly so.

2281. By whom is the land revenue collected?—There is a Collector and European Assistants in every district; under them there are native Collectors, who have small portions of the district; they have inferior revenue officers under them, who collect the revenue from the villages.

2282. By whom is the revenue directly paid to the Collectors?—Either by the Zemindars, when tracts of country are in the hands of such persons, or by the villages, or by the individual ryots, according to the modes of settlement, whether Zemindarry, or Mouzawary, or Ryotwary.

2283. Does the ryot in any instance pay directly to the Collector, without paying through the head of the village?—Frequently to the Collector, or his native officer.

2284. Do you give a preference to either of those modes of collecting the revenue?—I do not think there is any material difference. If the rights of individuals are well fixed, and there are limits put to the government revenue, they are all equally good. But until a survey has been made, when there is a good Collector the settlement with the individual cultivators is best,

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because there is nothing between the Collector and the people; he sees into every thing: when there is a bad Collector, the settlement with villages or by Zemindars is best, because the Collector has least to do. When all is settled, I would give a preference to the settlement with the heads of villages, or small Zemindars, as tending to keep up the upper class in the country, which it is generally the effect of our institutions to break down.

2285. In what manner is the land assessed?—It is assessed with reference to the payments of former years, and to the actual state of the cultivation and of the season. If the cultivation has been increased, the revenue is increased; if land has been thrown up, it is diminished; and if it is a bad season, allowances are made for it.

2286. In what manner are the payments in former years ascertained?—They are recorded in the Collector's books, and also in the accounts of the village.

2287. Are those accounts to be depended upon?—Those made after the introduction of our government, I think, are.

2288. Has any survey been made of the country?—A survey was in progress in Guzzerat, that had been commenced some time before I went to the government, and was nearly finished before I went away; and a more complete one was just commenced in the Deccan, with a view to a new and lighter assessment, and to defining tenures and fixing boundaries.

2289. Under this new survey, is the revenue assessed according to the real productive power and range of the land?—Yes.

2290. That is done by persons competent to form an opinion upon that subject?—A European officer, carefully selected, is appointed to the head of the survey; he has under him different classes of natives of experience; they consult with the heads of villages and with intelligent ryots; and each owner of a field states his arguments for a lighter assessment, or represents any peculiarity in the circumstances of his land.

2291. The assessment is fixed on each individual field?—That is intended.

2292. With regard to land now uncultivated, in what manner will that be assessed hereafter?—It was proposed that no addition should be made on account of it; that when the survey was completed an agreement should be made with the heads of villages, that they might pay a fixed amount for the period of their lease, which was to be a very long one. Nothing was to be levied upon new land brought into cultivation.

2293. What was the proposed length of that lease?—First an experimental lease for five years, then one for thirty; and at the end of that time no alteration was to be made, unless some new and unexpected ground was raised for it.

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2294. Is there, at present, any perpetual settlement of the revenue in any part of the territory under Bombay?—In no part.

2295. Is any land held rent-free?—Yes; there are several descriptions of land. Some is held for military or other service rent-free; that is called jaghire. Some is held on paying a quit-rent so light that it almost partakes of that nature; and some is entirely exempt from all payment of revenue. That in the Deccan is called enaum.

2296. Has that land which pays a small quit-rent been given as a reward for services?—Probably it has.

2297. And that called enaum?—For service, or a mark of favour, or for religious or charitable purposes.

2298. Has any land been granted at a small quit-rent by the British government?—I do not know that any has been granted at a quit rent, but some has been granted rent-free.

2299. Is the land under those three descriptions of any considerable extent?—Yes, it is.

2300. On failure of heirs the jaghires revert to the government, do they not?—Yes, they do; they are resumable even on the death of the proprietor.

2301. Does that land which pays a small quit-rent revert to the government?—On failure of heirs only. It is like private property in England.

2302. So that the proprietor has not the power either of selling it or of leaving it by will?—The proprietor cannot sell it without the permission of the government, under the native governments; under ours, I do not think the disposal of it is interfered with.

2303. On what tenure is that land held which does pay revenue?—There are different opinions as to the tenure. Some suppose that the whole of the land is private property; others, that it is held on a right of occupancy, and that while the rent or tax is paid to the government the holder must not be dispossessed. But it is a property of very little importance, as the government has the power of taking what share it pleases of the proceeds; and for these reasons the words "rent" and "tax" are indiscriminately used. There is a description of land on which the tax ought not to be raised, or only under particular circumstances; but this privilege has been rendered almost nugatory by some practices of the native governments.

2304. They have been used synonimously in your late answers, in which you spoke of land rent free?—They have.

2305. What other sources of revenue are there besides the land tax?—The sea customs; the transit duties; the town duties; the stamps; the tax on spirituous liquors; and some others of less importance.

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2306. Do the transit duties materially interfere with the internal commerce of the country?—In some parts of the country they do. In our latest acquisitions they have been kept on the native system, where the duty is levied almost at every stage, and that must of course very much impede the communication.

2307. What is the system on which they are levied in the more ancient territories?—Under Bombay, I think, they are almost all on the same system; except in Ahmedabad, a district of Guzzerat, where they are levied on passing the frontier and on entering the city only.

2308. Are the transit duties collected or farmed?—They are sometimes collected, and sometimes farmed. The farming is considered as a preferable mode, because there is a competition among the farmers to give little vexation, to levy light duties, so as to draw people on to their roads.

2309. Do those who are called upon to pay transit duties in any case contract with the farmer?—They do. It is a trade in some parts of the country. These people contract with the farmer, and give passports to merchants to carry their goods without being stopped at all.

2310. Under which system have you collected most revenue; under the farming or under the collecting system of transit duties?—I am not able to say; probably the farming.

2311. Has the farming system being extended of late?—I rather think it has.

2312. Is there any duty which you can suggest as a substitute for those transit duties?—There was a plan, just before I left Bombay, for lessening the transit duties; and the loss was to be made up by an increase of the sea customs, and I think by an increased tax on salt, but I am not quite positive.

2313 State the circumstances under which the salt tax is collected in Bombay?—Until this proposal, I am not certain that there was a salt tax at Bombay. Some of the salt-pans belong to government, and were granted to people who paid a rent for them. There was no general system like that in Bengal.

2314. Would it be practicable to increase the duty on salt?—I think it might. The land assessment is so heavy at present that it is not desirable to increase any tax that bears on that class; but the consumption of salt reaches many whom the land revenue does not, and it is partly drawn from foreign countries where our salt is consumed.

2315. Salt is exported from Bombay to the Malabar coast, is it not?—More to the interior, I believe.

2316. State what appeared to you the particular imperfections of the revenue system, and any means which have occurred to you of obviating them?—The principal imperfections are, that

the assessment is too high, that it is fluctuating and uncertain, and that it bears almost entirely on the agricultural class. 25 Mar. 1830.

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2317. This fluctuation affects the revenue more than the individual, does it not?—A farmer is never certain, at the beginning of the year, what he will have to pay, as it is settled every year.

2318. Not under the lease you have referred to?—No. It was proposed that a settlement in some degree permanent should be made, so that there should be no fluctuation; and as the country improved, the assessment, which is now heavy, would become light, and as consumption increased there would be other objects for taxation besides the land.

2319. The population under Bombay is at present principally agricultural, is it not?—By far the greater proportion is agricultural.

2320. Is there any class untaxed, from which, in your opinion, any considerable revenue could be obtained?—Some of the inhabitants within towns are untaxed, and the owners of rent-free land are almost entirely untaxed; but it is extremely difficult to devise any means by which they could be taxed, without the tax falling on the classes who are already sufficiently heavily burdened.

2321. How were the Mahratta countries governed before their conquest?—The country was divided into districts, which were farmed to the highest bidder; he sub-let them in small portions to under-renters; and the whole of the government, civil, military, and judicial, was in the hands of these farmers.

2322. Are you acquainted with the mode of management of the native governments in any other part of India?—Those I have seen most of, the Nizam's, Scindia's, and the Rajah of Berar's, were governed on nearly the same plan with the Peishwa's. There are some small states who do not farm the land, but make a settlement of the revenue on equitable principles, and they are very flourishing.

2323. What states are those?—Some of the smaller states in Malwa, Kotah, and Bopaul, probably, and even some of the jaghires that are held under us.

2324. Under what officers is the police of the Bombay presidency?—It is under the Collector, and the same chain of revenue officers, down to the police, that the revenue is.

2325. Who is at the head of the police of the village?—The head of the village is the head of the police, and under him there is a village watchman, who has a grant of land, or rather his family have a grant of land, for which they are bound to supply a member, and they generally take it in rotation.

2326. Is there any police establishment except that hereditary

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head of police of the villages?—There is a very considerable establishment of hired peons.

2327. How is that establishment regulated and officered?—It is different in different districts. It is something like a military arrangement; they all wear an uniform, and have officers of different ranks, and some nearly approach to the system pursued in regular corps.

2328. Is it an efficient police?—Considering the nature of the country, which is very full of hills and woods, and places where robbers can find refuge, it is good; but there is a great want of public spirit in the people, and they are afraid of accusing robbers lest they should be acquitted, and they might be in danger from their violence afterwards.

2329. Would this efficiency be increased by giving a higher pay and a greater number of officers to the police?—No doubt it would.

2330. Would it not with the same number be more efficient if it was constituted in a better manner?—I should think it would, no doubt.

2331. In what manner is civil justice administered in the provinces under Bombay?—There is a Judge in each district, and under him there are a certain number of native Judges in divisions of the district. An appeal lies from the native Judges to the European Judge, and from him to the court called the Sudder Adawlut, from which an appeal lies to the King in Council.

2332. To what extent can native Judges try causes?—Every native Judge can try as far as 500 rupees, £50; and the amount may be increased, at the recommendation of the European Judge, as far as 5,000 rupees, or £500.

2333. Has that increase been permitted in many cases?—I should think it had, in very many.

2334. How have the native Judges, upon the whole, been found to decide those causes?—Extremely satisfactorily.

2335. What are their emoluments?—They vary according to the extent of their powers, from perhaps 200 to 500 rupees a month, which is from £200 to £500 a year.

2336. Are they paid by fees in any cases?—They are partly paid by a salary and partly by fees. No fee was levied on any cause under one hundred rupees; but the fee for those small causes was paid by the government, so as to make it the interest of the native Judge to try many causes.

2337. From what class are the native Judges taken?—From the middle class of the people, who have been employed under former native governments. None of the higher ranks are native Judges.

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2338. Do any means exist for the education of persons for such employments?—There is a small college at Poonah where they may get some instruction; but there is a very great deficiency of means for educating them. The Sudder Adawlut has frequently represented to the government of Bombay, that the knowledge of the Hindoo and Mohamedan law is becoming extinct among the natives, and that it is difficult to find law officers in consequence.

2339. Have any measures been adopted by the government in consequence of those representations?—Some measures have been adopted, and others have been recommended to the Court of Directors. I rather think they have been acquiesced in since I left India.

2340. Are punchayets used in the decision of causes by the native Judges?—They are used both by the native Judges and by the heads of villages, who are empowered to call punchayets for the settlement of disputes within their own districts.

2341. Are they used to a great extent?—Not very great. They are used to a great extent in the southern Mahratta country, but not in any other part of the presidency.

2342. Are they used in criminal as well as in civil cases?—No.

2343. What is the nature of the code of regulations?—Except in the criminal branch, it is little more than a collection of rules for procedure. The law is still to be drawn from the Hindoo and Mohamedan law books or traditions and customs.

2344. Have they materially altered the Mohamedan law?—No; in Bombay they have not interfered with it at all.

2345. The Mohamedan law was not very prevalent in the country under the Bombay Government, was it?—No, not to any extent. The prevalency of it has been diminished since the conquest by the Mahrattas.

2346. In what respect do the regulations at Bombay differ from those in Bengal?—They are more lately made, and consequently there are fewer regulations rescinded and altered, and the code is much shorter. I believe the process is more simple. Natives are more employed; the native prejudices, I think, are more attended to; and in the criminal branch an attempt has been made to define crimes and specify punishments.

2347. At what period was that code last published?—In 1827, just before my departure. There are some minor differences between it and the Bengal code. An admonition is made use of instead of an oath, in examining witnesses; there is no limit to the interest of money; and there is no imprisonment for debt after a person gives up his property; and some other things of less consequence, which I believe do not exist in the

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Bengal code. In some respects it is less advanced than the Bengal code.

2348. In what respects is it less advanced than the Bengal code?—From the country being a later conquest, a great many natives are exempted from the jurisdiction of the courts. Some of those exemptions are carried further than it would be desirable to maintain permanently. Many revenue causes are excluded from the jurisdiction of the court, until some more accurate knowledge shall be obtained about the rights of the government and of individuals in those branches.

2349. Have any arrangements been made to form a digest of Hindoo laws and customs under the presidency of Bombay?—Yes; some progress had been made in forming a digest when I left India; but it will require great length of time and perseverance to complete it.

2350. Was much practical difficulty experienced in forming that digest?—No practical difficulty whatever, except in one instance. Part of the plan was, to inquire into the customs of castes, and that in the city of Surat excited great alarm; the people shut up their shops, and the Judge who was making the inquiries was obliged to desist. The natives conceived that it was intended to interfere with the customs of their castes, and not merely to inquire into them.

2351. Are there any considerable arrears of civil business in the courts?—No, there are not.

2352. Do the natives appear to be generally satisfied with the administration of civil justice?—They are perfectly satisfied with the purity and impartiality of it; but they are disgusted with the forms and delays. I think they have a prejudice against our administration of justice, though it is certainly an unfounded one.

2353. Is that prejudice created by those forms?—It is created by the forms, which the natives cannot see to be necessary for the conduct of judicial business.

2354. In point of fact, is the administration of civil justice overloaded at present with forms which you conceive to be unnecessary?—I do not think it is. The last code of Regulations was formed with attention to removing as much as possible all unnecessary forms.

2355. Do any particular improvements occur to you, as capable of being made in the administration of civil justice in the provinces?—The greatest improvement would be, the formation of a code such as that already mentioned. At present the Regulations provide merely rules for procedure. The Judge is to administer the Hindoo law. That is partly to be found in books, and partly in local customs and customs of castes. When the Judge has a point to ascertain, if it is a point of law, he is

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obliged to refer to a law officer, and the decision must depend upon his learning and integrity. If it is a point of custom, he must examine witnesses, and the witnesses are subject to being influenced by favour or corruption. A Judge must also have to exercise his own discretion in the decision he gives; and as he judges on principles different from those of the natives, his decisions, even when they are most correct, must often be unexpected to the suitors. This must produce considerable uncertainty and increased litigation. The remedy appears to be, the formation of a code; but a code, if it is inapplicable to the state of society, or inconsistent with established usages, will produce much greater confusion than it is intended to remedy. It is necessary, therefore, that it should be made very cautiously, and with attention to the usages that at present exist. The steps taken at Bombay towards forming a code were to appoint a gentleman to inquire into the customs of castes; which was done in the Deccan in the course of two or three years, and his collection was published. Another gentleman was employed to make a selection from the decisions of the courts of justice on points that seemed most to contribute to the formation of a code. The same gentleman made a translation of one of the Hindoo law books, which had not already been translated. If those collections were continued, at the end of a certain time they would furnish a body of materials from which some rules might be selected and formed into a code, which would supply the place of the Hindoo law, and give as much satisfaction as the present mode of administering it, while it would be much clearer both to the people and the Judges.

2356. Is care taken, in the selection of Europeans for the situation of Judges, to select such persons as possess a knowledge of the Hindoo laws and customs?—Some care is certainly taken; but it is inferred, that if they have risen in the line they must have acquired a competent knowledge of the Hindoo law, or rather of the customs.

2357. They commence their service in the revenue line usually, do they not?—It is thought the most expedient.

2358. Having once entered the judicial line, are they usually retained in it?—In general.

2359. Before the measures you have spoken of were adopted, had the European Judges any means of acquiring a knowledge of the Hindoo laws or customs?—A considerable number of Hindoo law books had been translated in Bengal by Mr. Colebrooke and Sir William Jones and others, but I do not think the European Judges were much in the habit of studying them; they got the Hindoo law from their law officers, and they were a good deal guided by their own opinion. The Hindoo law is so vague on many points, that they are often obliged to exercise their own discretion.

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2360. What judicial functions are executed by the Collectors of Revenue?—The Collector decides, in the first instance, all disputes connected with land between parties. An appeal lies from him to the Judge. He is supposed to possess more information about land, and more means of procuring evidence, than the Judge could have.

2361. Are the appeals from the Collector to the Judge frequent?—I am not able to answer that question.

2362. How is criminal justice administered?—The Collector, as magistrate, punishes misdemeanors. The greater offences are tried by the European Judge of the district, who can punish as far as seven years' imprisonment. Higher offences are tried by a Judge of the Sudder Adawlut, who goes the circuit. The capital offences require the confirmation of the whole court of Sudder Adawlut.

2363. What law is used in the decision of criminal cases?—There has been an attempt in the new Bombay code to make rules which shall apply to all criminal cases. Formerly the Hindoo law was nominally resorted to, but it almost always left the punishment to the decision of the Judge; it was nearly arbitrary.

2364. Are the natives apparently satisfied with the administration of criminal justice?—I think they are satisfied with it, as far as protecting innocence; but they complain very much of its inadequacy to punish guilt. I am not certain that their complaints are well founded, for their notions of justice are very summary, and they are not able to comprehend the difficulties we find in criminal procedure.

2365. Could native juries be used with advantage in civil or criminal justice?—I think they would tend very much to the improvement of the people, by drawing their attention to public business, but I doubt whether they would promote the immediate objects of obtaining either a speedy or an improved administration of justice.

2366. Would they afford increased facilities for the discovery of fraud, by the examination of witnesses on the part of a jury?—It would depend very much on the class from which the jury was selected. I do not think the form of an English jury the most desirable in which the assistance of natives could be afforded to European Judges.

2367. In what form do you think a jury could be introduced?—I should doubt whether it would not be better to have a few native assessors rather than a jury; that the Judge should have the power of selecting a few well-informed natives to sit with him as assessors, he being responsible for the decision. By the last Bombay Regulations, every Judge has a power in all cases of either assembling a jury or calling in assessors when he thinks it desirable.

2368. Are you aware that that has been done in many cases?—It had been so lately introduced when I left India, that I had not heard of it being done.

2369. Would it be safe to oblige the Judge to abide by the decision of the jury or the assessors as to the facts they find?—I do not think it would. If I am to understand a jury chosen and constituted as a jury is here, it would be influenced by many prejudices, and it would administer justice much less satisfactorily than the same class of people do in England.

2370. Should you recommend that the assessors of whom you have spoken should be selected for the occasion, or that they should be permanently fixed in those situations, and receive a salary?—I think it would be better that they should be selected, because it has the effect of employing and improving the natives more; and as it was not known who was to be assessor in each cause, when he was appointed there would be less room for corruption.

2371. What is the state of native education in Bombay?—The state of native education is very fully shewn in a series of reports, which were called for from the different officers under the government, in the beginning of the year 1824. My general impression from them is, that as far as reading and writing go, though far from being so extensive as might be desired, it is creditable to the natives, being carried on entirely by themselves; but in all the higher branches of education it is totally defective.

2372. Could you suggest any measure that will enable the government to give a higher sort of education to the natives?—I laid a plan before the government of Bombay in December 1823, in which all the means that seemed to me practicable for education were suggested. What I proposed for the higher branches was, the institution of a college, the employment of two or more European professors, the granting of prizes to those who shewed most proficiency on examinations, and, above all, the giving certain rewards to any European or native who would produce a translation of an English book on science, or an original work on science, in a native language.

2373. Supposing such a system of education to be established, will not natives, in your opinion, be elected to fill many higher situations than they now fill under the government, and fill them advantageously?—I think they would.

2374. To what extent do you apprehend, after the completion of such a system, it would be possible to employ natives?—The progress would be very gradual; but the ultimate result, I apprehend, might be the making over all civil business to the natives, retaining the political and military in the hands of Europeans.

2375. The effect of the perfection of this system to which you

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have alluded would be the establishment of a much cheaper government, accompanied by a great moral improvement of the people?—So I conceive.

2376. What are the highest situations now held by natives under that government?—I do not recollect any higher than the principal judicial and revenue officers, who get a salary of 500 rupees a month. There were in the Deccan dewans or chief officers under the Collector, who at one time got as much as a thousand rupees a month; but I rather think they have been reduced.

2377. Do any particular measures occur to you for securing the fitness and preserving the integrity of natives in official situations?—In their present state, a very strict superintendence by Europeans; good salaries; rewards by pensions or jaghires after long and distinguished employment; and, above all, good education.

2378. Do you conceive the native character to have been improved under our government?—I cannot say that I have seen much change in the native character. There certainly is, in some few of the educated classes, greater liberality, and greater desire for information, than there was formerly.

2379. Upon the whole, do you conceive the effect of our government has been beneficial to the people?—I conceive it has certainly been beneficial. The Mogul empire was broken up before the introduction of our power into India, and the whole country was in the hands of feeble nabobs, or rapacious Mahrattas, in an extreme state of misgovernment. We have put a stop to all external invasion, and to all open violence within our own territories; and we have introduced a regular administration of justice and a government on fixed and rational principles; all of which are great benefits conferred on the natives; but no doubt the introduction of our government has been attended also with very great evils, as the introduction of a foreign government always must be. It tends very much to level all ranks; it withdraws a good deal of the encouragement there was to learning, and to excellence of all sorts; and also, by the destruction of the higher class of natives, it has diminished the demand for many Indian manufactures; the Europeans, who supply their place, making use chiefly of articles of their own country, while the importation from England of the cloths and other manufactures worn by the natives themselves has supplanted the manufactures of India.

2380. Are there many Europeans resident in the provinces under the Bombay Government?—Not many.

2381. Do you think that the general prosperity of the country, or the moral improvement of the people, would be advanced by the more general residence of Europeans amongst them?—A more general residence of Europeans would be cer-

tainly attended with great advantages, if they carried capital or skill with them to India; but I think that any unrestricted residence of Europeans in India would be productive of more harm than good. 25 Mar. 1830.

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2382. Would not a greater resort of Europeans to the country tend to keep down the native population, and to prevent the natives rising to the possession of those offices in which you think it would be desirable to place them?—I think it certainly would. If Europeans were allowed to go without restraint to India, I think many would go at first, some without capital, and others on speculations which would soon reduce them to poverty; that from the compassion of their countrymen in India, and their greater fitness for office, they would be introduced into employments to which we have been of late endeavouring to introduce the natives; and that if they formed friendships with the Europeans in power, which they have greater means of doing than the natives, they would get advantages in other ways.

2383. So that the elevation of the native character appears to be inconsistent with the more general resort of Europeans to the country?—Inconsistent with the unrestricted resort; but I conceive that the resort of Europeans might probably be extended without introducing any other than beneficial results.

2384. The greater the number of Europeans in the country, would not the difficulties thrown in the way of the advancement of natives be greater?—If none went to India but such as had capital to employ in commerce or agriculture, no bad effects would follow from their residence. There would be some competition, no doubt, between them and the natives; but I think the balance of advantage would be greater than that of disadvantage.

2385. In your opinion, would it be necessary to subject the Europeans residing in India to restrictions, as well as to impose restrictions on their resort thither?—I do not know that any of the present restrictions could be dispensed with. It would be sufficient if the government had the power of sending them out of the country, and of sending them from one district to another, in case of their being guilty of any oppression, or creating any great disturbance in any particular district, as has happened sometimes. I am always supposing they are not so numerous as to form a very considerable community in India. Such a community would be very unruly, and very difficult to manage on the part of a government which must be always arbitrary in its character. If there were a great body of discontented colonists, such as at the Cape for instance, I think their clamours would probably weaken the government very much with the natives. Their disagreements with the natives would also be dangerous; and I think there would be a great increase of the feeling which there is now only among the lower orders of Euro-

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peans in India, of contempt and dislike for blacks. There would be a more marked distinction between blacks and whites, as there is in all regular colonies.

2386. Where differences arise between the Europeans residing in India and natives, by what court would they be tried in the provinces?—At present, if the differences are of small consequence, they would be tried by the local court; but if of great consequence, the cause would go to the Supreme Court at the presidency.

2387. Would a poor native have the power of prosecuting an European in the Supreme Courts?—No, a poor native would not. The only chance would be the government taking up the prosecution, if it were a serious matter.

2388. If it were a civil case, in what manner could the native obtain his rights?—I hardly think he could obtain his rights at all, unless they could be afforded by the local courts.

2389. What is the present condition of the southern Mahratta country?—Part of it is in the hands of government, like the other districts; and the greater part in the hands of jaghiredars, chiefs of the Peishwa, to whom their lands have been continued by the British government.

2390. Is that part of the southern Mahratta country which is in the hands of the government governed like the rest of the country subject to the presidency of Bombay?—The native practice is continued more than it is in other districts under the presidency, and the Regulations have been less introduced.

2391. Are the revenue and judicial functions separate in the southern Mahratta country under our government?—They are in some degree, but much less than in the other provinces. There is no Judge stationed in the southern Mahratta country; the judicial proceedings are subject to the revision of the Sudder Adawlut.

2392. In what relation do the jaghiredars stand to the government?—They are subjects of the government; but the demands which the government retain on them are fixed by agreements which cannot now be altered. They consist of their furnishing a body of horse when called for, and perhaps some other duties of less consequence. They have a complete jurisdiction within their own territories, and the power of life and death.

2393. In what condition are the lands in those jaghires?—They differ according to the character of the individual chief. There is one great family, that of the Putwurdens, all the members of which have kept their jaghires in the highest state of prosperity. Some again, such as Appa Dessye, have carried on the greatest exactions and oppressions in their jaghires.

2394. How are those territories managed where the administration is well conducted?—The chief appoints collectors of

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the revenue, who have the judicial power, as usual, under the natives, but they are not farmers; they have generally a light assessment; and the jaghire being small, the chief is able to pay attention to every part of it, and to see that there are no great abuses.

2395. Are many of them in a state of great prosperity?—Those of the Putwurdens are all in a state of great prosperity.

2396. Are they in a better state than our own provinces?—Perhaps even in a better state than our own provinces.

2397. Is not the assessment lower?—I should think it is lower.

2398. Is it not usually under the native governments, when compared, very much lower than it is under the British government?—That is not very easy to answer; for under the native governments the rent or tax fixed by the government may be small, but there are a vast number of exactions in different shapes which do not appear, and a great deal is embezzled by the heads of villages or other agents of the government. When our government is introduced a stop is put to exactions; but the money formerly retained, though fraudulently, by the heads of villages and others, is all drawn to the government, and the assessment in consequence becomes really heavier on them.

2399. Were not the native governments with which you were acquainted capable of preventing such exactions?—Never entirely.

2400. What is the condition of the small tributary states connected with the government of Bombay?—Those are chiefly in Guzzerat. In some of them the tribute is due to the British government only, in others the British government and the Guicowar, and in others to the Guicowar alone, but collected through the agency of the British government. Owing to the local calamities, to the oppressions of the Guicowar before we took the management of his share in our own hands, and to the division of the property among the junior members of families, I think they are generally in a bad state; a state of decay and decline.

2401. Do any means occur to you by which the state of those countries could be improved by any more extensive or direct intervention on our part?—I think it is probable that a more direct intervention would improve their condition; but we are in a great measure tied up from exercising it, partly by our agreements with the chiefs themselves, and partly by the relation they bear to the Guicowar.

2402. Are all those chiefs connected with the Guicowar; those of Kattiwar for instance?—About half, perhaps; but they are so intermixed with those that are connected with the Guicowar, that it is difficult to alter the system with them so long as the Guicowar's tributaries remain in their present state.

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2403. By what rule are persons appointed to office under the several presidencies?—By seniority in their line, with attention to fitness, where there is any thing peculiar in the appointment. There is, of course, very little room for selection.

2404. When the number of persons from whom the selection is to be made is considered, and the rule by which they are ordinarily promoted to office, does the discretion left to the government enable it on all occasions to place in situations of the first power and responsibility persons in whom it can place confidence?—Certainly not always such persons as it would desire.

2405. Will you state any advantages which, in your opinion, appear to attach to that system of appointment made by seniority?—I do not know that there is so much any advantage that arises from that, as that it would be impossible to conduct a regular service without it. It would be impossible to get well-educated persons to go to India on the chance of getting appointments according to their merits, without a rise that is in some measure certain.

2406. Is there any other restriction, except in the Act of Parliament, on the choice by government of the servants to be employed?—No other.

2407. The Act of Parliament restrains the government from giving an appointment of a certain value to an individual who has not been a certain number of years in the service; but it does not impose on the government the obligation of giving the appointment to a person who has been so many years?—No, the Act of Parliament does not; but it is of course expected by every one to whom there is no objection that he shall get an appointment proportioned to his standing.

2408. The effect of the restriction in the Act of Parliament is greatly to limit the number of persons from whom the individuals can be chosen to occupy high situations?—It does not limit it so much in practice; for when a man is near the time when he would be entitled to hold an office he gets an appointment, but without the full salary.

2409. To what extent have military officers been employed in civil situations?—During the provisional government in the Deccan they were very generally employed in civil situations, and they have in one or two instances been employed in the revenue department under Bombay.

2410. With reference to the employment of military officers there is no limitation in point of the number of years' service, is there?—No. The employment of military servants in civil appointments is in some measure irregular, and no notice is taken of it in any rules for promotion.

2411. Would it, in your opinion, be advantageous to employ

them more extensively, thus enlarging the number of persons from whom a selection for those situations may be made?—I think in the political line they may be employed indiscriminately with civil servants. In the civil department I think it would not be desirable to employ them without special reasons, for it would render the civil service so insecure that properly educated persons would not be disposed to enter it. Provided there was a sufficient number of appointments left for all the civil servants, there would be no objection.

2412. When a military officer has been employed for any time in a civil situation, is he replaced in his regiment?—No, he is not; he is still borne on the strength of his regiment.

2413. Therefore the number of officers present with their regiments is diminished in proportion to the number of officers employed in the civil service?—Yes; but the number of military officers employed in the civil service has not been so great, I believe, as to affect the efficiency of the army.

2414. How are the civil servants at Bombay educated?—They receive an education at the college of Hayleybury. In Calcutta and Madras there are colleges where they receive a further education in India. At Bombay there is no college; but they are subject to an examination in the native languages before they are permitted to enter on any appointment, and to a second examination before they are promoted to the next step in their line. A great deal of their education is acquired in the course of their duty, as they rise in the service.

2415. When they first arrive, are they retained at the presidency, or sent at once into the interior?—At Bombay they are sent into the interior after they pass their first examination, which is generally in three or four months.

2416. Might they not acquire in the provinces the knowledge necessary to enable them to pass even the first examination?—I think they might.

2417. Would it be advantageous to send them at once into the provinces?—Yes, I think it would. There are not so many in Bombay as to occasion much inconvenience from their being kept at one place, and they are not in a college; but whenever there is a great body of them together, I think it is always very injurious.

2418. Has it been found practically that the civil servants under the presidency of Bombay, educated without a college, have been less efficient in the performance of their duties than the civil servants of the other presidencies educated at the colleges?—I have had no opportunity of comparing them; but I should say certainly not.

2419. Do any measures occur to you for the improvement of the education, either in England or in India, of the civil ser-

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vants?—I think it would be better if in England their attention was directed more to the knowledge which could be acquired only here, than to native languages, that can be better learnt in India; particularly to political economy and the general principles of jurisprudence (not English law, but general jurisprudence). Perhaps it would be better, if instead of being confined to any one college they were taken from any college where they could get a good education, and subjected to a very strict examination before they were sent out.

2420. Do you think there is any advantage in obliging persons who are afterwards to take civil situations in India to acquire the knowledge that would be requisite in India in a separate college?—I think not; this mode, I think, may be subject to disadvantages.

2421. Will you state the disadvantages that occur to you?—A great body of young men are brought together, without an institution which has been long enough established to impress them with respect or to maintain order amongst them. I think the effect of that will be to make them more extravagant, and less subordinate than they would be if they were otherwise educated.

2422. As many of the young men sent out to India in the civil service are connected with persons who have passed their lives there, is not there a disadvantage in keeping up a sort of Indian caste, by educating them in the same college?—As far as that goes, it would be a disadvantage; but I think the young men from Hayleybury have generally a prejudice against India and every thing connected with it.

2423. Under the Bombay presidency, who is at the head of the Judicial department?—The Sudder Adawlut.

2424. Is there not a Judicial Secretary?—There is a Judicial Secretary, but he is merely the channel of communication between the government and the Judicial authorities.

2425. What are the Judicial functions exercised by the Sudder Adawlut at the head of the Judicial department beyond those of a Court of Appeal?—Returns of all proceedings are sent to them, and they superintend all the proceedings, and see that they are correct, and that the Regulations are conformed to.

2426. Do they report on the conduct of judicial officers?—I believe they do. I am not certain whether they do in their civil capacity; but the Judge of Circuit reports on the state of every district, and the conduct of the officers.

2427. Do they make regular reports to the government on the general subject of the administration of justice and the management of police?—I do not think they make any report to the government on the Civil department, except in sending

in returns of the number of causes filed and decided. The Judge of Circuit reports on the police; and the government consults the Sudder Adawlut on all points connected with Judicial business, whenever it thinks it necessary.

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2428. Does the Sudder Adawlut observe on the administration of justice by individuals?—It does.

2429. Who is at the head of the Revenue department?—There is nobody between the government and the Collectors.

2430. Has any practical inconvenience been found to arise from the absence of a Revenue Board?—No, I do not think that there has.

2431. What are the duties of the Accountant-general?—He receives the estimates from the Collectors of the probable receipts for every year, and also those of the charges from the departments of expenditure, and frames a general estimate for the government, and suggests the ways and means for the deficit. At the end of the year he takes all the accounts and submits them to the government. He corresponds with the Accountant-General in Bengal on all measures of finance. In Bombay he is also at the head of the Audit department, but not at the other presidencies.

2432. Is it the duty of the Accountant-general, or any other person, to report on the propriety, on the part of the Governor, of acceding to any proposed increase of charge or diminution of charge in any department?—Cases are often referred to him, but it is by no means a general rule; it is not prescribed as his particular duty.

2433. Is it the duty of any person on the behalf of government?—No. When anybody is consulted it is the Accountant-General.

2434. Is the increase of charge which takes place in the different departments of government brought before the government in a general way, at stated periods?—It is, at stated periods. The expenses of the past year and the immediately preceding year are contrasted at the end of every year of account.

2435. That is only done after the increase of charge has been already sanctioned?—After the increase of charge has been sanctioned, and has been for some time in progress. The whole of the expenses of the two years are contrasted. There is no particular review of new expenses, or the effect of new establishments.

2436. What are the duties of the Members of Council?—All business that comes before the government is submitted to them, and they give their opinions upon it. They have no separate duties.

2427. No particular part of the duty of government is delegated to them individually?—No.

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2438. Has it been at any former period?—It sometimes happens that one member will be particularly acquainted with a branch of business that the others are not, the commercial department in particular; and in that case the other members generally defer to his opinion. But it has never been, as in Bengal, where at one time a particular member of the government was supposed to be at the head of the Revenue department, and another of the Judicial.

2439. Have any improvements occurred to you in the general constitution of the local government?—Yes; some of the powers of the Governor in relation to the Council require to be defined, and some of them increased.

2440. Have the goodness to state in what respect?—When the Governor quits the seat of government it is at present by no means certain what the intention of the Act of Parliament is as to the powers he shall retain, and the particulars on which he shall consult members of Council, or act independently. That point would require to be fixed. At present, he in effect acts altogether independently. It would be better to leave him that power, and also the power of consulting the Council, when he thinks it necessary.

2441. When the Governor is at the seat of government, has he the power of acting independently of his Council, and in what cases?—He has the power of acting in cases of importance. I forget the exact expression of the Act of Parliament, but it seems meant that it shall be on rare occasions, where the safety of the government would be endangered by an erroneous decision. I think it would be advantageous if the Governor were allowed the same latitude on all occasions, as he always must be the responsible person.

2442 Has any practical inconvenience been experienced from the doubt which has been entertained with regard to the exercise of that power?—No serious inconvenience. The Governor's powers have been discussed; but there never was any opposition that brought the discussion to any serious issue.

2443. The Members of Council being usually persons of high character and long standing in the service, would it not be advantageous to delegate to them particular functions in the government, so that the public might avail themselves of their services to the fullest extent?—If they were put at the head of departments, the government remaining on its present footing, each would be responsible for his own department, and the Governor would be in a measure superseded; the opinion of these heads of the departments in Council would then have much greater weight than it has at present, and the Governor's attention would be withdrawn from the department committed to each individual.

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2444. If that power were distinctly given to the Governor of which you have spoken, of acting on all occasions independent of his Council, might not in that case the services of the Members of Council, being personally responsible for the good management of the departments over which they presided, be usefully available for the public service?—I think the head of a department would be more effectually responsible if he were not a Member of Council.

2445. If the persons at the head of the different departments, the Judicial and the Financial, were not Members of Council, might not still the advantages, whatever they may be, which are derived from the Members of Council, be still derived from those individuals; might not their opinion be required by the Governor on all occasions of importance, and recorded?—That might certainly be done, but it would not entirely supply the place of the Council as it is at present constituted. As every measure of government must be submitted to the Council, and discussed, that would be no longer necessary under such a system as that referred to, if I have understood it properly.

2446. The difference would be this, that under the present system every measure is submitted for discussion, and under the system which has been spoken of only those measures would be submitted for discussion which were considered by the Governor to be of sufficient importance to require it?—There is certainly very great inconvenience and loss of time in the long discussions there are on all subjects at present; but I think, in so distant a government, probably the advantage is greater than the evil.

2447. Do you allude to the advantage of knowing the opinion of more than one individual as to every measure adopted by the government?—That is perhaps the principal advantage; but the Governor, knowing that every measure he has to propose is to be immediately discussed, is obliged to mature it, and consider it more before he proposes it than he otherwise might do.

2448. At present the Governor and the Members of the Council are all held to be equally responsible for every act of the government, however unimportant, are they not?—By law I believe they are, except in cases where the Governor is empowered to interpose, under the provisions I have before alluded to; but practically, I imagine, the responsibility rests entirely with the Governor.

2449. The responsibility resting with the Governor, ought he not to have the power of having his own opinion adopted on all occasions?—I conceive he ought.

2450. Practically, every measure of the government comes before the Council?—Yes. No proceeding can be undertaken without coming before the Council, unless in the absence of the

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2451. All details are brought before the Council?—Yes.

2452. Is it possible for the Members of the Council to read all the details that are brought before them?—In Bombay, it is.

2453. They are very voluminous, are they not?—They are.

2454. In a government of greater extent, is it possible for the Members of the Council to read through the documents which are brought before them?—I conceive quite impossible.

2455. Does any mode appear to you eligible by which the government would be relieved from that minute attention to details?—I am not aware of any manner in which it could, except by the appointment of boards, or of single heads of departments.

2456. Does it occur to you that any alterations could advantageously be made in the relation at present existing between the Supreme government and the subordinate presidencies?—I know no practical inconvenience from the present relation between the Supreme government and the other governments; but I think it would be desirable that the Supreme government should not possess, what I believe it very seldom exercises, the power of interfering in the internal affairs of the other presidencies, except in cases that were likely to affect the general interests. It is very necessary that the relation of the government and the Supreme Court should be defined in some particulars.

2457. Have the goodness to state in what particulars?—At present, no servant of the government acting under an order is responsible to the Supreme Court for his conduct. I should think it an advantage, if the government were allowed by an *ex post facto* approbation to invest their officers with the same immunity.

2458. If an officer of government now acts by the direct order from the government, he is, for that act, exempted from the jurisdiction of the Supreme Court?—Yes; but if he does it without a written order he is not exempt; and I think the court ought to have the power of taking the responsibility upon itself whenever it thinks proper. The Governor and Members of the Council are at present subject to the jurisdiction of the Supreme Court in a great many particulars, most of which I would not interfere with; but there are some on which I think a limitation might be placed. The Supreme Court ought not to have the power of summoning the Governor, or perhaps the Members of Council, as witnesses, or to serve on juries, which they have at present by law; and some provision ought perhaps to be made to protect the Governor against being subjected to the jurisdiction of the Supreme Court, and even liable to imprisonment, upon totally groundless charges of felony and treason. No

inconvenience has ever arisen from that power possessed by the Supreme Court, but such a case might occur; as a native power, or any individual whose object it was to degrade a Governor, might by a false charge subject him to confinement, with which I apprehend the Supreme Court would have no discretion to dispense. There has been a great deal of confusion arisen from the Supreme Court conceiving that it represents the King, and that the Governor does not. That might possibly be removed, if the Governor had a commission from the King as well as from the Company, as the Commander-in-chief has at present.

2459. Can you state any instances in which Europeans, or servants of the Company, have been summoned before the Supreme Court for oppression to natives in the provinces?—I remember at least one prosecution by the government of one of its own servants, for oppression to the natives. I do not know that I recollect any other.

2460. Has the law on any occasion been put in motion otherwise than by the government?—I do not think it has. I have known an instance of a native resisting a demand of a Collector, and contesting it in the Supreme Court, but not on the ground of oppression.

2461. Was that permitted by the Supreme Court?—It was. The case was not decided when I left Bombay. It was a case in Salsette.

2462. What power of legislation does the government possess, if any, within the jurisdiction of the Supreme Court?—It has power to make Regulations for the internal government of the presidency, or the seat of the government, which shall not have force until they have been registered by the Supreme Court.

2463. If the Supreme Court should refuse to register on any ground, has the government any remedy?—I do not know what remedy it has, unless it be by appeal to England: it has none in India.

2464. Has it any by appeal to England?—I should think not.

2465. Practically, therefore, the Supreme Court has the power of preventing any legislation whatever within the limits of its jurisdiction?—It has.

The witness is directed to withdraw.

Ordered, That this Committee be adjourned till To-morrow one o'clock.

Die Veneris, 26° *Martii* 1830.

The LORD PRESIDENT in the Chair.

The Honourable MOUNT STUART ELPHINSTONE is called in, and further examined as follows:—

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2466. You stated in your evidence yesterday, that the grants of land called jaghires are resumable by the government at pleasure, at the death of the occupier; are they in general so resumed?—Under the native government they are not in general so resumed, because the same motive for keeping the troops up continues to exist that existed at the time they were granted.

2467. Have they been resumed under your government where occasion has offered?—All the jaghires in the Mahratta country which were for the maintenance of troops were resumed at the conquest, that portion only being left which was for the maintenance of the chief himself and his immediate followers. When the chief was not a member of a family of consequence, or where there was no other motive for keeping up the allowance, the jaghire was resumed at his death. The native governments frequently resumed, even during the life of a jaghiredar, when they were offended with him.

2468. Are the Committee to understand that there has been no resumption under the government of the Company during the life of the occupant?—I do not recollect any resumption since the first conquest from the Mahrattas.

2469. Is there any regular principle laid down as to the resumption of grants when opportunity is afforded for it, or is each case left to be considered on its own merits?—In the old territories, I think, each case is left to be considered on its own merits. In the Deccan, when I quitted that part of the country to go to Bombay, I sent in a list of all the jaghiredars, with a recommendation specifying which should be perpetual and which should be resumed, and on what occasions.

2470. Can you state generally the principle on which you made the distinction?—I think all granted from the Great Mogul or the Mahratta Rajahs, and all which belonged to very old families under the Peishwas, were to be perpetual.

2471. Was that with a view to the maintenance, in the country, of that class of society which we should describe as the aristocracy?—Partly that, and partly to conciliate the feelings of the natives.

2472. Where the jaghires are resumed, and no fresh grants made to individuals, in what manner are they disposed of?—

There exists no rule for their disposal at present. I strongly recommended that they should form a fund from whence to afford the rewards for meritorious native servants of the government.

2473. What extent of interest is given to the native servants when those grants are made to them as rewards?—They are sometimes granted for life, sometimes for more than one life, and sometimes perpetually. It will probably be best that the grant should frequently be perpetual.

2474. Do you conceive that the prospect of acquiring land under such circumstances operates as a strong stimulus to the exertions of individuals?—I should conceive that it certainly would.

2475. You stated in your evidence yesterday that considerable grants were enjoyed by particular families, naming the Putwurdens particularly, and very advantageously managed by them; will you describe more particularly what those families are?—It is one single family of that name. They have branched into several divisions. The lands which they originally held have been divided among them, and they have obtained new ones, so that they possess a considerable tract of country. Though not of very old standing (probably the third generation), they were military chiefs under the Peishwa, and their lands were granted them for the maintenance of troops in his service.

2476. Can you state what their system of management is?—I am not acquainted particularly with the details of their management; but I have heard their success ascribed to their not farming their lands; to their moderation in assessment; to their always employing the same servants; and to the advantage they derive from the emigration of numerous cultivators from the worse managed districts of the Peishwa in their neighbourhood.

2477. Have the lands under those circumstances materially improved in productive value?—They have improved considerably in productive value.

2478. You are of opinion, then, that there is a disposition in the natives of India to emigrate freely into districts in which they find themselves liable to be moderately assessed, and where they find the security of person and property?—I think there certainly is such a disposition, though it may be limited by distance and other obstacles.

2479. Are the persons to whom jaghires have generally been granted of the Hindoo or the Mohamedan faith?—Generally the Hindoo; though those of the Moguls are perhaps more frequently Mohamedan; but those form but a small part of the whole.

2480. Have you observed any difference in the system of

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management between those of the one and the other persuasion?—Generally speaking, the Mohamedans are more careless and more rapacious than the Hindoos; but some of the Hindoos are quite as bad as any Mohamedans.

2481. Which of the two descriptions have the greatest disposition to accumulate capital?—I should think the Hindoos, decidedly.

2482. In cases where capital has been so accumulated, in what way is it generally applied?—A good deal is hoarded by the chiefs that have a disposition to save, and it is spent by their successors who have another turn. Great sums are expended on marriages and on other great ceremonies.

2483. Is there any disposition to apply it in commercial speculations?—The great native chiefs often lend out money at high interest, which is employed in commerce; and they sometimes employ banking-houses to carry on commercial business on their account; but this is seldom avowed, and is not the general practice.

2484. In those cases is it lent to native or to European merchants?—To native merchants.

2485. Do the natives acquiesce willingly in the great powers which are understood to be exercised by the jaghiredars?—Perfectly.

2486. With as much willingness as in the sentences of other tribunals?—Quite as much, unless in cases where the proceedings of the jaghiredars are evidently tyrannical, which sometimes they are, owing to individual character.

2487. Do you conceive considerable attachment to exist towards the jaghiredars where they conduct themselves with leniency towards the population under them?—I conceive that the people are attached to them, but it is not so strong as a clannish attachment.

2488. You stated that the survey of the country, intended with a view to a new system of leases, was not yet completed?—Not yet.

2489. No leases have been made under the particular plan you described yesterday, namely, that for a limited term, not to be increased afterwards?—None have been made in furtherance of that particular plan; but leases have been ordered in in the whole of the district of Guzzerat for seven years, no immediate alteration in the assessment being considered necessary there. Most of Guzzerat is not heavily assessed at present; it is the most flourishing country in India.

2490. What are the comparative advantages which Guzzerat possesses?—It is very difficult to answer that question. Probably that it is a country into which the Mahrattas were never able completely to introduce their authority; or at least that

people discontented with their government have very great facilities in retiring beyond the reach of its power.

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2491. Under what authority then was Guzzerat administered?—It was administered under the authority of the Mahratta government; but it is full of forests and ravines, and places that are very difficult of access, and into which their cavalry could never penetrate, and where they could never perfectly establish their dominion. The inhabitants of the most accessible parts had always those retreats to retire to in case they were oppressed by the native government.

2492. Do you conceive, then, the prevalence of the ancient usages of the country to have been more favourable to its prosperity than any regular native government?—I am not sure that it is so much owing to particular usages of that country, as to the limit which was placed to the exactions of the government by the means which the natives possessed of evading them.

2493. Can you state generally the degree of variation in the amount of produce throughout the country arising from the variety of seasons?—I cannot state it very precisely; but it sometimes amounts to a total failure of all revenue.

2494. You mean to the failure of produce to such an extent as to make it impossible to extract a revenue?—Yes.

2495. In comparing the lands leased to Zemindars with those leased to Ryots, have you found it more easy to deal with the one description than with the other?—Lands are leased to Zemindars (though not bearing that name) in one part only of the Bombay territory. It has not been found easy to manage, owing to the difficulty of protecting the Ryots from the exactions of the Zemindars.

2496. With respect to the payments due to the government, and in his other relations with them, is the Zemindar, or the person answering to that appellation, more punctual and more to be depended on than the Ryot?—I should think there would probably be less fluctuation in the revenue where the payment was by the proprietor of a considerable tract of country than where it was by individual Ryots.

2497. Is the existence of a class of persons under the description of Zemindars an advantage to the government in other respects?—In that part of the country it is by no means an advantage to the government. The people are particularly oppressed; and from particular circumstances I do not conceive that the Zemindars are attached to the government. The principal circumstance is, that they are chiefly dependents of the Peishwa's government, recently elevated by its favour.

2498. Is there any difference in the moral character or education of the Zemindars, as compared with the Ryots, to the advantage of the former?—There is a considerable difference.

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The whole of the Zemindars in the part of the country alluded to are Brahmins, and consequently of the educated class; they are generally people that have been connected with the government, or with farming the revenue.

2499. You do not conceive, then, that any of the beneficial effects to society, and the existence of a better class, or an aristocracy, is attained by the maintenance of the Zemindar class?—Certainly not in that instance; but I beg to observe that this class is entirely dissimilar to that which bears the same name in Bengal.

2500. You consider, then, that the same circumstances, affecting the gradations of society, do not apply in the same degree to the different parts of India?—I do not conceive that they do.

2501. Can you state whether the Zemindars in Bengal are Brahmins of the same description as you have stated the Zemindars under the Bombay government to be?—No; they are quite a different description of people; they are seldom persons that have been employed in the public service.

2502. Will you state upon what circumstances of difference in their condition you found the more favourable opinion you appear to have of the Zemindars of Bengal, as compared with those under the Bombay government?—I have had very little opportunity of judging of the Zemindars of Bengal, especially in Bengal Proper, where they principally exist; but I know that the administration of the correspondent class in Bombay is attended with very bad effects, which I do not hear to be observed to an equal extent in Bengal.

2503. You stated in your evidence yesterday, that none of the higher ranks are employed as native Judges; does that arise from their indisposition to undertake that office, or from their supposed unfitness for it?—From their indisposition.

2504. How do you account for that indisposition to hold offices necessarily connected with the exercise of great authority?—Most of them have been accustomed to great arbitrary authority under the former government, and would not be contented with so limited a share of power as they would possess under our system.

2505. Supposing the salaries of the native Judges to be increased, would that produce a desire to hold those offices?—I make no doubt it would in some degree; but I am not certain that it would improve the administration of justice, as it is probable that those great chiefs would be less attentive than persons of lower rank.

2506. From what class of persons are the Judges now selected?—The question is not easy to be answered, from the great difference in the grades of society in India and in this

country; but they are generally persons who have been employed in the middle ranks of offices under the former government. 26 Mar. 1830. — *The Hon. M. S. Elphinstone.*

2507. You stated yesterday your doubts as to the beneficial effects of the introduction of the jury system into the native courts in India; does that apply equally to what we term the grand and the petit jury?—I think it applies equally; the power of the grand jury being smaller, the inconvenience would be less, but I think the advantage would be proportionably so. The object in India is not to prevent innocent persons being brought to trial, so much as to obtain the assistance of natives to sift the evidence brought forward against persons who are accused.

2508. Do you conceive any advantage would result from a combination of the Supreme Court with the court of Sudder Adawlut, for the purpose of administering justice to the natives?—I do not think any advantage would result from it. It would have a tendency to introduce the technicalities of the English law into the administration of justice in the lower courts.

2509. Should you, for the same reason, consider that the establishment of circuits by the Supreme Court would be objectionable?—I should.

2510. Supposing it was thought expedient to form a new code or system of legal Regulations for the natives, would it be necessary, in your opinion, to have a different code or system in the different parts of India, owing to the variety of laws and usages which prevail?—Yes, I conceive it certainly would.

2511. Do you think it would be found quite impracticable to apply one common code to the whole of the Indian territories? —I think it would. There might be a general correspondence, such as may be found in countries in Europe the laws of which are founded on the Roman law; but there must also be very great points of difference.

2512. Subject to those differences, do you think that such a regulation might be attended with advantage?—Perhaps at some remote period it might; but in the present state of our knowledge of India I think it is desirable to abstain from all attempts to introduce uniformity.

2513. Do you conceive it necessary to maintain in India two distinct systems of law for the Europeans and for the natives? —I think it is. The Europeans would never be contented with the system of law that suits the natives; and the probability is, that great alterations might be made to accommodate them that would not be equally suitable or even acceptable to the natives.

2514. Do you conceive that any dissatisfaction exists in the

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minds of the natives, from the idea that there is one law for the Europeans and another for them?—I should not think there was, as they are accustomed, even amongst themselves, to see different classes living under different laws. There may be some dissatisfaction from the courts to which the Europeans are subject not being equally accessible with those to which the natives are subject.

2515. Having filled different official situations in various parts of India, have you formed any opinion, as to the native race which is most capable of improvements; or do you consider them all in the same light in that respect?—I do not conceive that the difference is very great. Some are more tied down by religious prejudices than others, and consequently less accessible to improvement.

2516. Do you conceive that, upon the whole, those religious prejudices are in any degree diminishing under the present system of government?—Amongst some few of the educated classes only, I think, they are.

2517. Do you see any probability of that diminution of prejudice extending itself further among the other classes of society, either from the effect of education or any other circumstances?—A very great probability, from the effect of education.

2518. How does it appear to you that the objects of education can be most extensively and usefully effected?—By the encouragement to the greatest extent of village schools; by the printing of books for the use of those schools, and of books of entertainment and instruction for the lower class of people; by the foundation of colleges for higher branches of knowledge, and by the publication of books in those departments of instruction. Probably more by a systematic education of the natives for office than by any other means that can be attempted.

2519. Are the Brahmins or other persons who possess authority among the natives favourably or unfavourably disposed to the extension of education amongst them?—In general I should think they are rather unfavourable, though some individuals have exerted themselves to promote it.

2520. But you do not apprehend such a degree of resistance from them as would ultimately defeat the object?—I do not; as long as they do not perceive the inseparable connection between the diffusion of education and the destruction of the superstition on which their power is founded.

2521. In reference to the education of the Company's servants at home, you have stated objections to exist to a separate system of education; do you conceive that the knowledge usually acquired at our schools and colleges is a sufficient preparation for young men to go out to India, and to exercise the functions which are there allotted to them soon after their

arrival?—I should think they were. They might, perhaps, with advantage, also be instructed in the grammars of the native languages; and those who chose in Sanscrit and Arabic, which are dead languages in India as well as here. But all other knowledge peculiar to India is better acquired on the spot; while much knowledge is attainable in England which can never afterwards be obtained in India.

2522. Would it not be necessary to establish a preparatory system of education, then, after their arriving in India?—Some attention would be necessary to provide native instructors for them; but I think their studies might be left to their own conduct, provided they were subjected to strict examinations before employment.

2523. Is there any thing that occurs to you beyond what you have already stated, calculated to effect an improvement in the condition of the native subjects of the East-India Company?—I have stated the principal means of improving their condition; which are, light assessment, clear laws, education, and employment. No other means of improving their condition occur to me; but I might perhaps lay more stress on education expressly for employment, as contributing so much to promote the fitness of the natives for taking a share in the administration of the country, and also as affording a stimulus to education, by the connection which it establishes between instruction and promotion.

2524. Would there be any difficulty in finding persons in India calculated to carry on the education of natives with the particular views you have described?—Very great difficulty in procuring persons capable of teaching the European branches of it; that is one of the principal obstacles which is felt to the promotion of the higher branches of native education. The only remedy would be to provide young men properly qualified in this country, who should proceed to India at a sufficiently early age to admit of their learning the languages of that country.

2525. Have you any doubt that, supposing such a supply were provided from this country in the first instance, a sufficient number of natives might ultimately become qualified to carry on the business of education, in the sense you have described?—I have no doubt of it.

2526. Is there any willingness on the part of the natives to learn the English language?—There is no unwillingness; but there is no great disposition among them to learn it, except where they are likely to be employed in offices where a knowledge of English is necessary.

2527. Is the condition of those lands that are granted as jaghires superior to the condition of those for which a regular rent is paid?—Generally speaking I should say not, though there are instances in which jaghire lands may be superior to

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2528. How is it with respect to those lands that are held at a small quit-rent, or those that are held without paying any rent at all?—The difference between them and the lands which pay rent is by no means so great as might be expected.

2529. Are the sea customs *ad valorem* or rated duties?—There was an alteration of the system going on when I left India. I rather think a tariff was to be established, according to which all duties were to be paid; or rather they were paid according to certain rates, and the value was to be fixed by the tariff.

2530. Has the rate of the sea customs been recently diminished?—I think not, under the Bombay presidency.

2531. Do you know what proportion the transit duties bear to the whole amount of that levied under the head of customs?—I think the sea customs of the Bombay presidency are about twenty lacs of rupees, and the transit duties from ten to fifteen, or thereabouts.

2532. Do you conceive that the transit duties affect the price of the articles upon which they are levied to a degree beyond the amount of the duty itself?—Some increase of price must be occasioned by the loss of time occasioned by detention.

2533. Are the transit duties collected within our own territories, or merely on the passage through our territories to the territories of the native princes?—Both.

2534. Are the sea customs charged on every species of produce and manufacture, whether British or foreign; is it an universal tariff?—The charges are different, I believe. Those on British produce are regulated by Act of Parliament, and those on other produce by the Regulations of the local government.

2535. Do the transit duties apply to the same articles exactly?—They apply to many articles not imported by sea. I rather think the payment of sea duties exempts the goods from the subsequent payment of transit duties, but I am not positive.

2536. Do you conceive that if the transit duty was commuted for an addition to the sea duty the articles would come to the consumer at as low a rate as they do now under the two duties?—The articles imported by sea would not; but many articles which now pay transit duty would, no doubt.

2537. What is the general proportion of the land assessment to the produce?—That is extremely uncertain; but it is generally reckoned at from one-third to one-half; seldom, I believe, so much in reality as one-half.

2538. Would the condition of the people in general be im-

proved if the land assessment were substantially reduced to a lower proportion?—It certainly would.

2539. Would such an improvement in their condition give them increased means of purchasing such articles as those upon which the sea customs are now levied?—It no doubt would give them the means; but I doubt whether those are the articles on which they would first expend any addition to their incomes which they acquired.

2540. Upon what articles do you think they would expend those increased means?—More probably on the domestic productions which they are now in the habit of consuming than on foreign imports. The benefit would chiefly be derived by the poor, who would consume more grain and wear more clothes than they do at present.

2541. Would not that general improvement of the country tend ultimately to a greater consumption of articles imported from abroad?—No doubt it would.

2542. Would not, in that case, the sea customs bear a moderate increase of duty?—They clearly would bear an increase in case of such an improvement as is supposed.

2543. You stated that you conceived it would be advantageous if greater facilities were given to the residence in India of persons possessing capital, provided the power of removal were still retained?—I think too much facility cannot be given to the settlement of capitalists in India.

2544. What are the rules by which the grant of such facilities is now regulated?—I have not the means of answering that question. They are granted in England by the Court of Directors and the Board of Controul.

2545. You think that an extension of the facility is desirable? —I am not aware what facilities are at present afforded, or whether the number of the capitalists who go to India is limited by the difficulty of obtaining permission.

2546. Does it require the permission of the Governor of the presidency to enable such a person to reside at any distance from the presidency?—I believe it does. My difficulty in answering the question is occasioned by my not being able to distinguish in my memory between the cases of persons who have obtained the permission of the Court of Directors to reside in India, and those who have not. Persons that have not the permission of the Court of Directors are frequently allowed to reside at the presidencies without being questioned; but the greatest difficulty is made in permitting them to go into the interior. There are, however, but few Europeans residing in the interior of the provinces under Bombay.

2547. What particular articles of produce might be extended

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by a greater application of capital?—I am not very capable of answering that question; but sugar and cotton occur to me.

2548. Could silk?—There is not much silk produced under Bombay at present, but I think that it might. Some was produced in the southern Mahratta country, owing to the exertions of the gentleman who was Collector there.

2549. One of your answers seemed to imply that redress of injuries by one native against another was more easy than by a native against an European; is that the meaning you wish to express?—Certainly.

2550. Will you state to what extent and in what manner a protection exists to an European that does not to a native?—In serious matters no redress can be obtained from an European by a native, except by application to the Supreme Court at the presidency.

2551. To what degree are proceedings in such cases more tedious or more expensive?—They are more tedious and expensive, in the first place, owing to the distance. I am not able to speak precisely to the additional expense or delay, from the different nature of the proceedings, but I should think it was considerable.

2552. To a native residing at a distance from the presidency, is such redress unattainable?—It is certainly not unattainable if he has the means of proceeding to the presidency, or of employing some person there; but to a poor man it is.

2553. Where in any case the government has reason, from information it has received, to believe that any European functionary has misconducted himself to any native, is it not the practice to institute a commission of inquiry, for the purpose of ascertaining the circumstances?—It is.

2554. And in the event of the fact being proved, would not the person so convicted be punished by deprivation of office or dismissal from the service?—Yes, he certainly would; and probably be prosecuted in the Supreme Court also.

2555. This partiality of the law, if it may be so called, applies not to functionaries only, but to European residents?—Yes, it does.

2556. Is redress more easy to an European against a native than to a native against an European?—It certainly is. None of the difficulties to which I have referred exist in the case of a native. There is more facility, as far as mere Regulation goes, in complaining against a functionary than against a private European.

2557. Will you state the different circumstances under which they are placed by the Regulation?—There are particular tribunals established throughout the country to which complaints may be addressed against fanctionaries; and in those cases, as

well as in the case of crimes by Europeans, the tribunals in the country have the means of forwarding a notification of them to the presidency; but I am not aware that there is any such provision for punishing complaints in civil matters.

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2558. Would there be any objection to making Europeans residing in a distant part of the provinces, who were not in the service of the Company, subject to the jurisdiction of the European magistrates?—I think there would be an objection to their being entirely subjected to the local tribunals, because the law which is administered in the provinces would not be always suitable to them, and the complaints which they would in consequence make would probably lead in time to the alteration of that law in a manner not suited to the natives. For example, it might be considered oppressive to try an European in a capital case without a jury; while it might not be reckoned expedient that the use of juries should be extended in such cases to natives. There must be many similar points in which a prejudice would be created by applying the laws in the provinces to Europeans.

2559. Is not that contingent inconvenience a less evil than that which subsists at present, which appears to be in many instances a denial of justice to the natives?—I do not think it is. The Europeans are subjected, to a certain extent, to the local tribunals; and their number is not at present so considerable as to create any considerable inconvenience from the cases in which they are not.

2560. Upon what articles are the transit duties taken?—On a great variety of articles. I am not able to specify them.

2561. Have licenses that have been granted to Europeans to reside at a distance from the presidency been in many instances revoked or refused?—I do not recollect any instance under Bombay where they have been revoked. They have frequently been refused to Europeans residing at the presidency, without a licence from the Court of Directors.

2562. Is there any principle by which you are guided in refusing or granting them?—I do not at this moment recollect any being refused, except to persons who had not permission from the Court of Directors to reside.

2563. Have they ever been granted to persons of that description?—They have in one or two instances been granted, on another person becoming responsible for their receiving permission within a year.

2564. The principle is not to give permission unless they have that licence?—It is.

2565. Is it a matter of course to grant such licence on their being able to obtain a person to be so responsible?—By no means a matter of course; the government departs from its

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strict line of duty in granting a permission at all to a person who has not the permission of the Court of Directors to reside in India.

2566. It reports immediately to the Court of Directors every such permission as soon as it is granted?—It does.

2567. Have many applications been made for such licences? —There have not; the number of Europeans residing in the provinces under Bombay is very small.

2568. Is the Governor's licence to a particular place, or merely for permission to reside at a distance from the presidency?—I believe for a particular place; but I should think there would be no difficulty in a person who had a licence for one place obtaining a passport for another.

2569. What is the description of Europeans who have been at Bombay without the licence of the East-India Company?—All descriptions of persons.

2570. Have there been any persons of capital?—I should not think there have.

2571. Any persons connected with any mercantile concerns? —I really cannot answer. At the presidency little distinction is made between those who have and those who have not a licence; but I should think that few would be there without a licence, except persons who had made up their minds on the voyage to remain, or deserters from ships, or persons that knew it would be impossible to get a licence in England.

2572. How are the half-caste persons considered in Bombay; are they considered to be natives?—They are natives in the eye of the law; Europeans in the eyes of society.

2573. Are they employed in any offices under the government?—They are very much employed as clerks in all the public offices.

2574. Do they hold the rank of non-commissioned officers in the Bombay army?—No; I do not know any instance.

2575. Or in the marine department?—I rather think there are in the marine department. They are eligible to all employments held by natives; but I do not know that they are much employed in them. The government would probably be very jealous of a general employment of them, from a fear of supplanting the natives.

2576. That would exclude them from the army and navy?—They are excluded from the situation of officers in the army or navy.

2577. May they serve as privates?—I presume they may. I must observe, the half-caste in Bombay are so very few, that they probably would not occupy many more of the offices than they do if there were no restrictions. I do not think there are more than one or two thousand.

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2578. Is the education of half-castes particularly attended to?—There is no public establishment for educating them. There are many schools where they are educated at the expence of their parents; but at Bombay there is no public establishment. There is a very considerable establishment at Bombay for the education of half-castes, but it is carried on by a subscription, and only assisted by government.

2579. Are the half-castes a superior race to the natives in point of intelligence or any other quality?—They partake partly of the native and partly of the European character.

2580. Are they not principally of Portuguese blood?—I do not mean to include them under the term of half-castes.

2581. Are the Portuguese numerous?—They may amount to about 50,000. They are partly descendants of Portuguese, and partly converts from the religions of the country, who have assumed Portuguese names, but retain in fact the manners, and in a great measure the religion, of their nation.

2582. Are they a very debased race?—Those about the towns are very little esteemed. In the country, probably, they more resemble the Hindoo ryots.

2583. Are there any considerable mercantile houses carried on by them?—There are one or two.

2584. Are the other half-castes you have alluded to respected by the Hindoos?—As far as they make a distinction between them and Europeans, I should think it was certainly to the disadvantage of the half-castes.

2585. As far as they make a distinction between themselves and the half-caste, how is it?—I should think it was to the disadvantage of the half-castes, and even of the lower orders of Europeans, in many respects.

2586. Are you aware that the East-India Company have made great efforts to diminish the charges of their government in Bombay?—They have to my knowledge made very great efforts to diminish the charges of their government.

2587. Have those exertions been attended with a success corresponding to their wishes?—Very great reductions were made.

2588. Is not the collection of the revenue in India unavoidably a very expensive one?—It is certainly very expensive; but I do not know how far it is expensive, as compared with the collection of the revenue in other countries.

2589. Does not the nature of the land assessment make the employment of a very great variety of officers peculiarly necessary?—A great number of officers are certainly necessary to collect the land revenue; but I have not the means of comparing it with the number of officers employed in this country

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2590. Have the East-India Directors also made great exertions to improve their revenue ?—They have, and in former periods perhaps more than was advisable. Of late I think the disposition has been very strong to moderate the revenue, as far as was compatible with the necessary expenditure of the government.

2591. Do you think the revenue arising from a land assessment susceptible of much improvement, under the existing system of cultivation ?—I conceive that it would be a very great improvement if it were fixed, or a limit put to the increase of it.

2592. Do you conceive that the ryots are in a situation to lay out much capital in the improvement of the land ?—The ryots are generally not possessed of much capital.

2593. Do you think the system of cultivation of the land by them, and under the Zemindars, has been much improved since the territory of Bombay came into the possession of the East-India Company ?—There are very few people under Bombay that can be called Zemindars. The general cultivation, even in the short period that most of the territory has been under Bombay, has been very greatly extended ; but it has latterly received a severe check from the fall of prices arising from that rapid extension of cultivation itself, as well as from other causes.

2594. Does the amount of land assessment leave to the cultivator much surplus of income for the maintenance of himself and his family in ordinary seasons ?—I think it was conjectured in the Deccan, which is more heavily assessed than most of the provinces under Bombay, that it left about sixty in the hundred for the expenses of cultivation and the maintenance of himself and family.

2595. Do you conceive that the cultivators are now subject to heavy exactions on the part of the officers of the revenue ?—I do not conceive that they are; though there must be many instances, no doubt, of corruption and embezzlement on the part of the native officers of government.

2596. Do you think that any attainable degree of vigilance could check those abuses under such a system of cultivation, under poor occupiers, as is now pursued ?—I think if the revenue were once fixed there would be very little opening for corruption or abuse ; if every man knew what he had to pay every year, and that it was neither subject to increase nor diminution.

2597. Have you not reason to think that now, in many instances, the slender means of the ryot render him unable to resist unjust demands of the revenue officers, or to carry an

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appeal to a court of justice?—I conceive that to be less the case in Bombay than in any other part of India. The districts are small there, and the provision for the administration of justice is very ample. In new and unsettled districts, where great power is still left in the hands of the Collector and his establishment, there must be a greater opening to abuses of that nature than in those into which the usual checks have been more fully introduced.

2598. Are you of opinion that the ryot system, accompanied as it is with so heavy a land assessment, has had a tendency to keep the mass of the population in a degraded state?—I do not perceive that in places where the collection is made from the individual ryots the people are in a more degraded situation than in the other parts of the country.

2599. Is it not usual, under the Hindoo law, to subdivide the possessions of families among the children?—It is usual.

2600. Do not you think that has a direct tendency to increase the poverty of the mass of the population?—It must prevent the accumulation of property.

2601. Do not you therefore think that the land assessment, operating upon such a system as now exists in India, has a tendency to reduce the mass of the natives to that level which, in your evidence of yesterday, you conceived to be one of the bad effects which have resulted from foreign dominion?—I do not conceive that the land assessment has that effect. The land assessment may be laid on great proprietors as well as on small.

2602. Does it not actually fall, in a very great number of cases, on very small proprietors?—The number of large landed proprietors under Bombay is certainly small, but it frequently falls on the heads of villages, who are comparatively persons of property; and even in cases where it falls on an individual ryot, I am by no means certain that it prevents the accumulation of property by the ryots.

2603. Does not it fall on a considerable number who are unable, from the large amount of assessment to which they are subject, to improve the cultivation of their lands, and therefore to improve their condition?—When the assessment is too heavy, it must no doubt prevent the improvement of the country and the condition of the people, whether it is levied from great proprietors or from individual ryots; but no doubt, where there are large properties in the hands of great proprietors, there is more likely to be an accumulation of capital with which further improvements may be carried on.

2604. Have you reason to think that such improvements have been made in cases where large estates are possessed by individuals?—No, I cannot say that I have. The part of the Bombay territory which is in the hands of great proprietors is the least prosperous of the whole establishment.

2605. In what situations are the native officers generally em-

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2606. In those situations, do you not think that, from the nature of the financial system now pursued, they are subject to great temptations to commit fraud and to be guilty of exactions?—The system which is now pursued is designed as much as possible to prevent their being exposed to such temptation.

2607. Do you not think, notwithstanding that, that they are very much subject to temptations; and that considerable abuses of that kind do still exist?—Their morality is rather loose, especially in matters connected with public money; but I do not conceive that the abuses which exist are by any means to be ascribed to the system.

2608. Are you not of opinion that the diffusion of a foreign capital, under such restrictions as you alluded to yesterday, would, by leading to an improved cultivation of land, very much facilitate the collection of revenue?—All extensive improvements must facilitate the collection of revenue.

2609. Do you not think that an increased employment of European capital upon the improvement of land would unavoidably lead to the creation of employments in which the natives might be engaged?—The employment of European capital is extremely likely to lead to such a result: not perhaps the employment on land so much as on any other object.

2610. Do you not therefore think that such employment would produce very considerable advantage to the native character, by affording to them opportunities of arriving at situations of confidence and of trust?—A greater variety of employments, and consequently a greater competition for labour, would no doubt improve the situation of the natives, and ultimately their character; but I am by no means prepared to say that such an influx of European capital is likely to occur as would produce such an effect. I have all along spoken under the supposition of an actual influx of European capital.

2611. Are you not of opinion that the private trader has a direct interest in acting in a kind and conciliatory manner towards the natives?—If he consults his true interest, I have no doubt he has; but I question whether any trader, unless he is one of a superior description, would look beyond the advantage of his present bargain.

2612. Do you not think that a person who from his situation was more dependent on such conduct, in order to recommend himself to the natives, than a person who was armed with the power of the Company, would feel it to be more his immediate interest to consult the feelings and dispositions of the inhabitants?—The more a person felt himself dependent on the good-will of the inhabitants, the more likely he would no doubt be to conciliate them.

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2613. Would not such be unavoidably the situation of a private merchant, as compared with the situation of a servant or agent of the Company?—I do not immediately perceive that it would. A public servant has many motives for conciliating the good-will of the people that are placed under him, which I do not conceive any individual trader would have.

2614. Are not the wishes of the Company usually received by the people as a sort of law?—The wishes of the Company are never made known to the people, except in the form of laws.

2615. There is not, therefore, the same opportunity, or the same inducement, to consult the individual feelings of the inhabitants, in the case of agents of the Company, as in the case of private traders?—Your Lordship perhaps speaks of the Commercial Agents of the Company. The Commercial Agents of the Company have no authority whatever beyond that of a private trader.

2616. Have you reason to think that the attachment to caste that prevails amongst the Hindoos is as strong in commercial towns as in the country districts?—I should think it was.

2617. You do not observe any difference in that respect from increased intercourse with Europeans?—An increased intercourse with Europeans has a tendency to weaken the prejudices of natives, but I cannot say that I saw it had any effect in diminishing their attachment for caste.

2618. Are you aware that the excess of charge above the revenue in Bombay is greater than in any of the other presidencies?—It used to be very much greater.

2619. In fact, the whole deficiency of income of our territories in India is almost entirely referable to the presidency of Bombay?—I was not aware of that. But at one period almost the whole of the expenditure at Bombay formed a deficit; there was hardly any revenue; there never was any proportion between the revenue and expenditure of Bombay.

2620. Can you state to what causes it is to be referred that the excess of charge above income in the years 1825, 1826, and 1827 is much greater than it was in the years immediately preceding?—Partly to a diminution of the revenue, and partly to increase of charges.

2621. Do you ascribe the diminution of revenue to permanent causes, or only to those which are temporary?—Except in the cessation of the profits from opium, I consider the diminution of revenue to be temporary. The expence I conceive to be partly permanent and partly temporary.

2622. Can you state what parts are temporary, and what permanent?—There was an addition made to the allowances of the civil servants by orders from home, which, although it did not

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bring them to a level with the other establishments, considerably increased the expence. Some addition was made to the military force during the same period, which I believe is permanent; and several expeditions were undertaken or projected, which must be considered as temporary. But I speak without a very distinct recollection of the causes that affected the particular years in question; I do not recollect the circumstances of those particular years. But on our taking possession of the Deccan in 1819 a great encouragement was held out to agriculture, and many other employments were closed against the people of the country; a great increase of cultivation took place in consequence. At the same time the destruction of the power of the Pindarrees also increased the cultivation of the country under the native princes in the neighbourhood. This was followed by a great fall of prices, and ultimately by a great diminution of revenue. There was one year a failure of the rains in most of the provinces under Bombay, which almost threatened a famine, and must have occasioned a great reduction of revenue, I conceive, though I do not recollect that it did.

2623. Can you hold out a prospect at any future period, and at no great distance, of the amount of the revenue approaching more nearly to the amount of the charge?—As the country improves it will probably approach more near to it; but there never was any sort of proportion between the amount of revenue and the amount of charge. The charges of Bombay were incurred for general purposes, and bore a considerable proportion to what they are now when we had little beyond the island of Bombay.

2624. Are you aware of a great increase of deficiency having occurred unexpectedly in the course of the last year?—I have heard that a deficiency has occurred; I can hardly say unexpectedly.

2625. To what cause is that to be attributed?—I speak entirely in the dark; but a survey was in progress for the purpose of reducing the assessment, and perhaps a reduction may have been made in consequence of the survey, or from considerations such as would have influenced the survey.

2626. When you left Bombay, had you reason to anticipate a still further decrease of revenue?—No further decrease of revenue than was intended to be made by the survey.

2627. The greatest part of the marine charge of India is borne by the presidency of Bombay, is it not?—I believe the whole.

2628. The army of Bombay is necessarily proportioned, not to the population of the Bombay territory which it may be necessary to controul, but to the circumstances of the native

states by which the Bombay territory is surrounded, and to the circumstance of its being a frontier?—Certainly. I think the additions made to the Bombay army, since the great extension of our territory in that quarter, have not borne any proportion to that extension. 26 Mar. 1830. *The Hon. M S. Elphinstone.*

2629. Can you state what proportion the military and marine expences of Bombay bear to the total revenue?—From the accounts on the table, the proportion they appear to bear is from seven-eighths to eight-ninths.

2630. Can you state what proportion the same expences bear to the whole revenue of Bengal?—From the same paper I see that it is between one-third and one-fourth. But I speak entirely from the paper on the table; I have no personal knowledge.

2631. Was not a considerable reduction of the charges made before you quitted the government?—A very considerable reduction.

2632. Amongst the resources of the government which you enumerated yesterday, you mentioned the town duties; how are the town duties usually applied in the presidency of Bombay?—They are not, as is I believe the case in Bengal, applied to local improvements; they are mixed up with the rest of the revenue of the country.

2633. Can you state whether any considerable number of weavers or manufacturers have been thrown out of employment since the extension of commercial intercourse with India: since the renewal of the charter in 1813?—I cannot say from my own observation that they have, as the provinces under Bombay were not remarkable for that description of manufactures; but I have no doubt, from the extension of the use of European manufactures among the middle classes, that a number of weavers must have been thrown out of employment.

2634. You stated yesterday, that if any resident Europeans were guilty of oppression they might be sent out of the country, or transferred to some other district; might it not be dangerous to allow a person who had shewn a disposition to oppression to remain anywhere in the country?—That would depend on the degree of oppression, and whether it appeared to arise from any occasional cause, or from one likely to have a permanent operation.

The witness is directed to withdraw.

Ordered, That this Committee be adjourned to Tuesday next. one o'clock.

Die Martis, 30° *Martii* 1830.

The LORD PRESIDENT in the Chair.

WILLIAM CHAPLIN, Esq. is called in, and examined as follows:—

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2635. WHAT situation have you filled in India?—After my return to Madras from the College of Calcutta in 1803, my first employment (with the exception of a few months passed in the Northern Circars) was under Sir Thomas, then Colonel Munro, in the Ceded Districts. I was first appointed under him as Registrar, which appointment I held for about a year. I was then nominated subordinate Collector in the Ceded Districts; to the charge of the two divisions of which territory I succeeded at different times, after Colonel Munro's departure. I was afterwards employed in the Southern Mahratta country as principal Collector and Political Agent, where I succeeded Sir Thomas Munro, on his quitting India for Europe, in the year 1818-19. I remained there a year and a half, and was then appointed sole Commissioner in the Deccan, in which office I succeeded Mr. Elphinstone, and remained there six or seven years.

2636. Are you still in that situation?—No; I left it nearly four years ago.

2637. In what manner had the revenue been settled by Sir Thomas Munro in the districts where you served under him?—It was settled entirely on the ryotwar system.

2638. Was there any survey?—A survey, classification, and assessment were undertaken by Sir Thomas Munro in the year 1801-2, and completed in the year 1806 or 1807.

2639. Will you state by whom that survey was made, and in what manner?—The survey was made entirely by natives, under the superintendence of the Collector's Cutcherry, and ultimately revised by the Collector himself. The detailed rules under which that survey was made will be found in the Appendix to the Fifth Report of the Select Committee, and a particular account of it in a letter from Colonel Munro, dated 26th July 1807, in that Appendix.

2640. Upon what data was the assessment fixed?—The collections of a long course of former years were ascertained as far as they could be from the records of the villages, from the information of the inhabitants, and that of the district officers and the neighbouring villages also.

2641. Was any valuation made of the productive power of the land?—Yes; a valuation was made, founded on the prin-

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ciple of the collections and the price of the produce of former years, ascertained as far it could be from the records of the villages. The accounts of native merchants were examined for a long series of years to ascertain the value of the produce in different years.

2642. If any person was dissatisfied with the assessment fixed upon his land, what remedy had he?—An appeal was made to the Collector eventually, and the dispute was generally decided by the ryots themselves of the villages, or a punchayet of ryots of the neighbouring villages.

2643. Was the assessment fixed the highest assessment which it was thought fit in any case to exact for the land?—Yes; it was a maximum assessment, which was never expected to be wholly raised; it was a maximum assessment, beyond which no collection was ever to be made afterwards; it was an assessment the total of which was avowedly too high at the time to be realized without occasional and partial remissions, and it was recommended afterwards to be reduced.

2644. Was any abatement made?—No abatement was at that time made. A discretionary abatement was every year made by the Collector, wherever there was a partial failure of the crops, arising from drought, or from the poverty of the inhabitants. The collection was discretionary on the part of the Collector.

2645. Still the sum demanded was the maximum assessment? —The sum demanded was the maximum.

2646. Has any abatement been since made?—An abatement has been since made. It was recommended at the time of Sir Thomas Munro's departure from the district, that a reduction of one-third of the assessment of lands irrigated by wells or tanks, or other artificial sources of cultivation, should be made, and a reduction of one-fourth of the assessment of the dry lands. It was at that time conceived by the government that so large an abatement would occasion a greater decrease of revenue than the financial resources of government would admit of, and it was consequently not made; but a new system was introduced, by which it was expected that the same amount of revenue would be realized. It was a system of village leases, which superseded entirely the former ryotwar system.

2647. Therefore the government, instead of adopting the recommendation of Sir Thomas Munro, to reduce the assessment, invented a new system for raising the revenue, under which they thought they could obtain the whole amount of the maximum assessment?—Not the whole amount of the maximum assessment, because that was never realized under the ryotwar system; but it was expected that the same annual revenue would be realized under the lease system which had been under the ryotwar system. The whole maximum survey assessment never

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was realized under the ryotwar system, and never could be, as long as there were bad seasons and poor ryots.

2648. The new system of village leases held out no prospect of the government realizing a larger revenue than it had under the ryotwar system?—It could not, for the leases were for a term of years, for an amount I believe not exceeding the ryotwar settlement.

2649. What then was the advantage of this introduction?—It was expected that there would be less interference by the revenue officers with the ryots, and that the village lease system would be more accordant with the new system of Zillah Courts, introduced a short time previous to Colonel Munro's departure. The Zillah Courts had been but very recently introduced before he left the district.

2650. How long was the system of village leases continued? —The original leases were for three years, and on those leases expiring they were renewed for ten years in the whole of the Ceded Districts; but they were either cancelled or relinquished, I believe, long before the expiration of the decennial lease, in consequence of the failure of the system.

2651. Under the village lease, was the whole village liable for the defalcation of revenue that ought to have been paid by any one individual?—The village renter entered into an engagement to pay a fixed amount of revenue, and the government no longer interfered with the collection from the cultivators. The renter was left to make his own arrangements with the cultivators.

2652. What powers were committed to him of obtaining the revenue from the cultivators?—He had the power of distraining the property of the ryots, and eventually the power of placing them in confinement, by resorting to the Court of Adawlut, i the rents were not paid.

2653. Were complaints made by the ryots against the exercise of that power?—Yes. The ryots were subject, under that system, I think, to very great exactions; and the Collector being shut out from any direct intercourse with the ryots, had no power to afford them redress.

2654. Will you state whether, where lands were uncultivated, any rent was fixed prospectively on the event of that cultivation?—The survey embraced all lands, whether cultivated or waste; the waste lands were also surveyed and assessed.

2655. Upon what principle was the waste land assessed?—Precisely on the same principles that the cultivated lands had been assessed; with reference to their productive power, and what they had formerly yielded when in a state of cultivation.

2656. Where they have not been in a state of cultivation?—There they were assessed more in a rough way, on a conjectural

sort of estimate of what they would produce eventually, subject to revision in case they were brought into cultivation.

2657. In the event of such waste land being brought into cultivation, had the Collectors a discretionary power of affixing a value upon it?—That power was reserved to the Collector; but the introduction of village leases was not contemplated when that survey was made.

2658. What portion of the gross produce was taken under that settlement?—I think Colonel Munro's estimate was, that supposing the gross produce to be one hundred, the government share was forty-five, and fifty-five were left to the cultivator.

2659. If the ryot under the ryotwar system failed to pay the revenue to government, in what manner did the Collector proceed to recover it?—The Collector endeavoured to ascertain what were the real circumstances of the ryot, and if he found he had not the means of paying his rent, it was remitted; if he had the means of paying it, it was recovered by distraint of his property, and occasionally by restraint of his person, but that was very seldom resorted to.

2660. If any one or two ryots in a village failed to pay the revenue, had the Collector in any case recourse to the other ryots for the purpose of making up the deficiency?—Yes; that formed a part of the ryotwar system. In case of particular failures the general community of ryots were subject to an extra assessment, varying from five to ten per cent.

2661. Was that power of levying the extra assessment frequently resorted to?—Very rarely, in fact. It went in part only to counterbalance the remissions from the full assessment that were annually made to the ryots of villages.

2662. Can you state in what manner the revenue was assessed and collected under the administration of Poorniah, a native minister of the Mysore?—I have had no experience respecting the Mysore territory myself; but from its adjoining the Ceded Districts, I used frequently to hear of his management. I believe that Poorniah's system was very much the ryotwar system, and much on the same principle as Sir Thomas Munro's, that of forming the settlement directly with the cultivators; but a much greater latitude of authority was left to the Potails, or heads of villages, under the native administration, than under ours. I have had no connection with the Mysore myself, and therefore can only speak from hearsay.

2663. Do you know whether the assessment was low under Poorniah?—I believe it was a moderate assessment, because the country continued to improve under it.

2664. Was the improvement of the country under Poorniah greater than the improvement of the districts under the British Government?—No, I think not. We succeeded to the Ceded

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Districts when the revenues were in a state of great dilapidation, and the resources of the country very much exhausted; and under the ryotwar system they gradually improved. I think the revenue was raised from about ten lacs to eighteen lacs of pagodas in the course of six or seven years.

2665. What powers had you as a Commissioner of the Deccan?—I had all the powers of a Court of Appeal, and I acted in fact as a Board of Revenue. I had the general controul and direction of the revenue and judicial administration in the whole of the Deccan.

2666. What settlement of revenue did you find established in the Deccan?—We succeeded to the possession of the Deccan after the farming system of the Peishwa, under whose government the districts were farmed out to the highest bidders. It was a system of rack-rent under which the country was very much impoverished.

2667. Was that system continued by you?—No; we introduced the ryotwar system immediately on succeeding to the administration.

2668. A settlement on the same principle as that established by Sir Thomas Munro in the Ceded Districts?—Very much so, except that we found it difficult to get our Mahratta Amildars to enter so much into the detail of the management of the villages, and to direct it with so much exactitude and regularity as in the Ceded Districts, where our servants were better trained.

2669. Was there a survey made in the same manner?—A survey was in progress when I left the Deccan, four years ago. I do not know what progress has been made in it. The rules and instructions for that survey will be found in the third volume of printed Selections of the India-House, from about page 880.

2670. How many European Assistants had you?—Under myself I had two Assistants; but in each district there were Collectors, and Assistants to the Collectors and Registrars.

2671. What administration of justice did you find established in the Deccan under the native government?—The system of justice was conducted entirely by the Peishwa himself and his officers, his Moamulutdars and Sirsubahdars; all great Sirdars too administered justice in their districts, but the administration was entirely discretionary and arbitrary; there were no set forms of proceeding, no regular dispensation of justice, but a great deal was dispensed through the medium of punchayets.

2672. What system of administering justice did you introduce?—For a considerable time we followed very much the native system of having causes settled by the Amildars and the native officers, and by punchayets, and subsequently a number of Munsiffs and Aumeens were established.

2673. What was the power in the first instance given to the

Europeans?—The powers given to Europeans were unlimited, as to the value of causes they were to settle.

2674. What power had they in the administration of criminal justice?—The Collectors had authority, I think, to award sentences to the extent of seven years' imprisonment; I forget the exact term of years; but in cases where the sentence was heavier than that they referred the cases to the Commissioner; and capital cases were referred through the Commissioner to the government.

2675. The Collectors under you had full judicial as well as revenue authority?—Yes; both civil and criminal.

2676. Have any changes been introduced since?—Two Judges had been appointed before I came away to a part of the Deccan.

2677. So that the administration of the revenue is now severed from that of justice?—It is. The Collectors have still all the powers of magistrates in the police department.

2678. Is that alteration, in your opinion, an improvement?—I think that the Collectors would not have had leisure to have conducted the survey with any sort of precision if they had not been relieved from their judicial duties.

2679. The survey being supposed to be completed, would it be advantageous that the powers of revenue and justice should be united in the same persons in that country?—I should rather doubt the expediency of uniting the two authorities entirely. The Collectors' duties press upon them often very heavily, and do not allow them to execute judicial duties with the precision required under our government.

2680. Is the arrangement now made for the government of that country more expensive than that introduced on its first conquest?—I have no doubt a very considerable increase of expense must have been incurred, because judicial officers have been employed, and higher salaries have been given, both to native and European officers.

2681. Is it, in your opinion, better governed than it was at first?—It is governed with more regularity.

2682. Were military officers employed to any extent in the revenue and judicial line on the first conquest of that country?—I think almost the whole of the Collectors in that country were military officers, except in the southern Mahratta country.

2683. Did they perform their duties satisfactorily?—Yes, very much so. They had been selected as men of talent, and as having a competent acquaintance with the native languages.

2684. Are any natives exempt from the jurisdiction of the Provincial Courts in that country?—There are several Sirdars who exercise independent authority in their districts; all the Putwarden family, for instance, and the Rajah of Satara and the

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Rajah of Colapore. Lists of privileged classes were also drawn out, who were to be exempt from the rigid operation of the rules of our civil courts.

2685. On what ground were they to be so exempt?—It was with a view to conciliate them, and to prevent them from conceiving that disgust to our authority which would probably have been the consequence of our succeeding to the government but for that circumstance.

2686. Was that a pledge given to them on the first conquest of that country?—I am not sure whether to this class any particular pledge of that kind was given, but their institutions were promised to be maintained to them.

2687. So that you would consider that the subjection of those persons to the jurisdiction of the Provincial or any other court was in fact a violation of the implied condition of their quiet submission to our government?—The subjection of any of those independent Sirdars to whom I allude would certainly be a violation, but not the subjection of the privileged classes, because that was more a matter of indulgence, I conceive, than of right.

2688. Was that indulgence made known to them at a very early period after our acquisition of the country?—Yes, it was.

2689. It has never been violated by the Company's government?—Not that I am aware of. It has been violated in some respects by several of those Sirdars having been summoned to Bombay by the Supreme Court, but not by our government.

2690. On what grounds were they summoned to Bombay by the Supreme Court?—The transactions adverted to have taken place since I left the Deccan, so that I cannot speak from any personal knowledge on the subject.

2691. What is the condition of the jaghiredars, and their position with regard to authority and property?—The condition of many of their jaghires is extremely flourishing indeed; some of them not so much so; but in general I think they are extremely well managed, particularly the jaghires of the Putwarden family. The whole of the country under the immediate government of the Rajah of Satara, I think, is extremely well managed. The condition of the subjects of the Colapore government was not certainly so flourishing.

2692. Are there any persons of large property in the Deccan who do not possess the independent authority of the jaghiredars?—Yes; there are several jaghires held by Sirdars of considerable consequence and considerable wealth, who have not independent authority in their own lands.

2693. Is that an ancient aristocracy?—Part of it I believe to be so. The Putwardens are the principal among the independent Sirdars; but I think they are not a very old family;

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I believe that they were raised by the Peishwa about ninety years ago.

2694. Do those jaghiredars and men of great property ever come to Bombay?—Very rarely. They have a considerable apprehension of coming to Bombay, for fear of coming into collision with the Supreme Court.

2695. On failure of heirs, do those jaghires lapse to the government?—A great many of them are held only during life; indeed most of them, I believe, are life jaghires; but many of them certainly would have been continued by the late Peishwa; therefore I conceive it would be the policy of our government to continue them. Others, that are only life jaghires, need not be continued by the government.

2696. In the event of jaghiredars having no heirs, and those jaghires lapsing, in what manner do you think the government could most advantageously dispose of them?—I think it would be a great advantage to keep all lapsed jaghires as a fund to reward meritorious individuals who distinguished themselves in our service. I conceive by that means that we should raise a native aristocracy of our own, which, from a principle of gratitude, would be very much disposed always to support our government, knowing that in the case of any revolution they would be the first to suffer.

2697. Do the jaghiredars and men of property in the Deccan use British manufactures to any extent?—There has been a considerable increase of the use of all articles of cloth manufacture of late years, I think; the superior skill of our artisans and our improvements in machinery having enabled us to import cloth, and to undersell the native weavers in their own market.

2698. Have British manufactures supplanted the manufactures of the country?—I think they have, to a considerable extent, except in articles of very coarse cloth used by the lower classes; those still continue to be manufactured; but the better description of cotton and silk cloths, and the finer articles of the fabric of Indian looms, have been very much superseded by our manufactures; and no doubt many manufacturers are compelled to resort to agriculture for maintenance, a department which is already overstocked, I am afraid.

2699. Do you conceive the use of our manufactures has increased, or only that the natives use the manufactures of England instead of those of India?—I think they use the manufactures of England instead of those of India, because they have been latterly much cheaper.

2700. Do they consume apparently a greater quantity of manufactures than formerly?—No, I think not; their circumstances are not so improved as to lead me to believe there is any great increase of consumption.

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2701. Is sugar cultivated, or could it be cultivated, to any great extent in that country?—Sugar is cultivated in various parts of the Deccan. There are very few parts of India, where there are means of irrigation, where sugar could not be cultivated.

2702. Are there extensive means of irrigation in the Deccan? —Not so much in the Deccan as in other parts of India; we have there fewer tanks and reservoirs; but there are wells and streams of water from which by means of machinery a great extent of land is cultivated.

2703. Do you know any thing of the cotton district in Guzzerat?—No; I have never been in Guzzerat. Cotton is grown to some extent in the southern Mahratta country, but it is of inferior quality to the Guzzerat cotton; and as there is no great demand for it, the cultivation of it is not extensive, and it is conducted in rather a slovenly way. The amount produced is not very considerable.

2704. Do you know whether any quantity of cotton is cultivated on the western side of the Ghauts?—I think not. I have been in the Concan, but I do not think I have seen any cotton growing there. It is generally a red soil, which is not calculated for the growth of cotton. It is generally grown in the rich loam; the rich black soil.

2706. In what manner, according to your opinion, could the condition of the people of that country be improved?—The only means of improving the condition of the people generally is to lighten the assessment as much as possible; that I conceive to be the best means of improving the condition of the people.

2707. That respects the lower orders. In what manner would you propose to elevate the character and improve the condition of the higher orders of the people?—By allowing them to have a larger share in the administration, and providing them with honourable and lucrative employment. At present, all incitement to exertion is very much destroyed, the natives being confined very much to the subordinate offices, and all the paths of ambition being shut against them.

2708. Do you think that the natives could be introduced into higher offices than those they at present occupy, not only with credit to themselves, but with perfect safety to the British government?—Certainly; with perfect safety to the British government. You cannot perhaps raise them to an equality in rank and influence with Europeans, who must in general superintend them; but they may be admitted with great safety to higher employment, and (if I may be permitted the expression) to a greater share in their own loaves and fishes.

2709. Have the natives been employed lately to a greater

degree than they were in the first instance?—Yes, they have, to a very considerable degree. A number of natives have been appointed, on comparatively high salaries, to the judicial and to the revenue offices.

2710. As far as the experiment has been tried, it has pretty invariably succeeded?—I think it has.

2711. Do you think they are more particularly adapted to any one description of office than another, from your observation?—No; I think they are adapted to all offices. In point of natural ability, I do not conceive them at all inferior to Europeans; and as they must necessarily be more acquainted with their own habits and usages, they are in many respects superior to Europeans. Their intimate knowledge of the languages is also a consideration which must give them great efficiency in the administration of all offices; a knowledge which Europeans, even after twenty-five years' residence, can never acquire in so perfect a degree.

2712. Does this opinion apply equally to the Mahomedans and the Hindoos?—I think in general the Brahmins of the country are the best educated, and the best fitted for the discharge of all offices. The Mahomedans are in general worse educated, and they have had always a much less share in the public business. There are very few Mahomedans in the Deccan.

2713. Have the native Hindoos as great a confidence in the Mahomedans, when placed in offices of authority, as they have in persons of their own persuasion?—I should conceive, certainly not; being of a different religion, they cannot have the same respect or reverence for them that they would have for their own class.

2714. Have they as great as for Europeans?—Certainly not. The European character stands in general very high in India. They look up to the European character with considerable awe and respect, which forms the chief security, I think, of our precarious tenure in India.

2715. When you stated that the native jaghiredars have an apprehension of coming to Bombay, from its rendering them liable to the authority of the Supreme Court, to what exercise of that authority did you particularly allude?—Their servants and followers are very liable to get embroiled with the native population of Bombay, and then there is no doubt they would be brought into collision with the Supreme Court.

2716. You do not mean, then, that there exists any want of confidence in the justice of the Supreme Court?—No; I do not know that there is any want of confidence in the justice of the Supreme Court. I think the Supreme Court stands very high in that respect with the population at the presidency; and

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as long as its jurisdiction is confined to the presidency, I should conceive it is extremely useful.

2717. In the cases where the jaghiredars administer justice themselves, are their punishments generally severe, or not?—I think in the Deccan, generally, they are rather mild. Punishments for treason and rebellion are generally much lighter than they would be in European countries. Theft and robbery are punished sometimes, under the native government, by the severity of mutilation, but seldom capitally, I think. Under the native governments, capital punishment is confined chiefly to cases of murder, I imagine; except in cases of gang-robbery, or very atrocious cases indeed.

2718. Is the exercise of the authority of the jaghiredar more efficacious in putting down that particular description of crime, robbery, than in the provinces administered under the English law?—I think that generally the police under the native governments was very efficient, from the exercise of their authority being summary; in many instances not less efficient than our own system.

2719. You think it was not more so?—In some cases more so; in some cases less; depending on the individual character of the person at the head of the native government.

2720. You stated the general capability of different parts of the soil of India for producing sugar; to what circumstance do you attribute sugar not having been brought into more extended cultivation than it is at present?—Because there is no demand for it.

2721. You have no doubt that if an European demand existed it would be much more extensively cultivated than it is at present?—I should conceive it would.

2722. Are you of opinion that, under these circumstances, improved machinery would be employed, so as to raise the quality of sugar to a higher degree of perfection than it has now attained?—I think that the skill and capital of Europeans might be applied certainly to that purpose, if there was a demand for sugar. If the duties in England were taken off, and the sugar of India were admitted on an equality with that of the West-Indies, I think it is probable that skill and capital would be applied to improve the cultivation of it.

2723. Do you conceive that the natives, of themselves, without any European assistance, would be able, under the same favourable circumstances, to improve the cultivation?—I think that they would require the assistance probably of Europeans. Their machinery is in a very imperfect state at present; and a great advantage might be derived from the skill of Europeans being applied to that particular branch of cultivation.

2724. What degree of interest in the tenure of land should

you consider sufficient to induce persons to embark their capital in creating sugar plantations?—If there was a probability of a ready sale for sugar, I conceive leases might be granted for the term of ten, fifteen, or twenty years to Europeans, with great advantage; always provided the government had the same controul over Europeans as they at present have.

2725. You think that term would hold out a sufficient encouragement for the investment of capital?—This sort of term has been found to answer, I believe, for the cultivation of indigo, in the upper provinces of Bengal, therefore I conceive it would answer equally well for sugar. It is a question to which my attention has not been much directed, therefore I can answer only imperfectly.

2726. Can you state nearly the proportion between the maximum assessment of which you spoke in the Ceded Countries and the amount realized?—No, I cannot accurately, without reference to documents.

2727. The difference was considerable?—The difference was very considerable. The total assessment by survey of the cultivated land in the Ceded Districts, which amounts to 3,200,000 acres, was eighteen lacs and 50,000 pagodas; and I think the amount of land-rent realized, when the amount was the highest, was from sixteen and a half to seventeen lacs. The amount realized, including other sources of income, was above eighteen lacs.

2728. How long did the decennial settlement of which you have spoken last?—The leases were either cancelled or thrown up about six or seven years, I believe, after the settlement of the decennial.

2729. What was substituted?—The ryotwar system was reverted to, with the reduction which had been proposed by Sir Thomas Munro. It was reverted to under great disadvantages, of course, from its succeeding the lease system, which had so completely failed.

2730. To what higher description of offices would you admit natives?—I would admit them to a very high description of offices in the revenue and judicial line, except that they should be always under the controul, I conceive, of Europeans.

2731. Do you conceive that the admission of them to that description of offices would tend to improve their physical condition as well as their moral character?—I conceive it would very much tend to improve their moral character, which is at present very much degraded, as they are excluded from all the higher offices of every description, and confined to the most subordinate situations.

2732. Is silk one of the articles cultivated in those parts of India with which you are best acquainted?—No, it is not.

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2733. The soil is not suited to the mulberry?—I have seen experiments made on a small scale. I think it might answer. But the mulberry plant is not in any great abundance.

2734. Has any attempt been made to cultivate the coffee plant?—I have not seen it in the districts I have been acquainted with. I know that it has been cultivated in some parts of the Mysore districts, and particularly about Bangalore, and that the coffee is very good.

2735. Is it a very expensive species of cultivation?—I have never had an opportunity of seeing its cultivation myself.

2736. Do you conceive it would come into consumption in England if the duty upon it was the same as on West-India coffee; it being now ninepence, when the other is sixpence?—I have never had an opportunity of comparing the two. The Bangalore coffee, I know, is very good, for I have drank it; but I have not had an opportunity of comparing it with the West-India coffee. It is not so good as the Mocha coffee, I know.

2737. Is there any legal obstacle to the export of sugar from the East Indies to the north of Europe or the Mediterranean?—I am not aware that there is.

2738. You do not know whether any attempts have ever been made to find a market in those parts of the world?—It has been produced in so small a quantity, I can hardly conceive that any attempt has been made.

2739. If you think that an equalization of duty in England would be an inducement to cultivate sugar for the English market, would not the existence of an equally open market in the other parts of Europe offer the same inducement?—I should think it would. I should presume that the sugar of India might be produced probably at a less expence than the West-India sugar, labour being so much cheaper in India.

2740. If that is the case, how does it happen that East-India sugar does not find its way direct to those markets that are open to them equally with West-India sugar?—There is very little commercial intercourse, I believe, from the ports of India to Europe through Arabia or Persia. I think there is very little demand for sugar in those countries.

2741. The question refers to the North of Europe and the Mediterranean particularly?—I cannot speak from any knowledge of the subject myself.

2742. You stated that the consumption of English manufactured cottons was increased in consequence of their superior cheapness; what class of persons are the principal consumers of those goods?—The higher classes of the people. The lower classes, I think, the Ryots for instance, still use very much their own coarse manufactures.

2743. Were the finer descriptions of cottons the larger or

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the smaller proportion of the cotton manufacture made in India?—I presume that the coarser description was the larger proportion made in India, though not the most valuable.

2744. So that the native workmen who have been thrown out of employment by the introduction of English cottons were the proportion occupied in making the smallest amount?—I should think so. The manufacture of the finer silks, called kincobs, and other cloths of that sort, has very much diminished. The demand had very much decreased.

2745. Are any English silks imported into India used there? —I believe they are, to a considerable extent. I have often seen natives in quilted silk jackets which I believe to be of English manufacture.

2746. Is that of recent introduction?—I conceive so; but I could not always distinguish between English silks and China silks, or the silks of Bengal; but I know it was the case to some extent, and that the silk manufactures of Boorhanpoor and Mongapytun have very much diminished.

2747. You have said that lightening the assessment would be, in your opinion, the best way of improving the condition of the country; how does that apply to the assessment you have mentioned established by Sir Thomas Munro, the proportion taken, supposing the gross produce one hundred, being forty-five to accrue to government?—That is the original assessment of Sir Thomas Munro I allude to; but he recommended a still further reduction, which reduction has since taken place. Assuming the total gross produce to be one hundred, and the government assessment to be forty-five, twenty-five per cent. was deducted, leaving the government share to be levied upon the ryots thirty-three and three quarters only.*

2748. That abatement has been since carried into effect in the Ceded Districts?—Yes, it has.

2749. You have stated your opinion to be, that natives might be employed in some of the high offices both of the Revenue and Judicial departments, provided always they should be under the controul of Europeans; is it your notion to confine the employment of Europeans to the highest offices of all, or that similar offices should be filled indifferently by natives and Europeans?—For instance, I would say that the natives might be advantageously employed at present where our subordinate Collectors and our Assistant Judges are employed, on a

* Gross produce	100
Government Assessment by Survey	45
Deduct Twenty-five per cent.	11¼
Government Share proposed	33¾

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salary varying from two to four hundred pagodas per month (from £80 to £160 a month). I do not mean to say that that should take place immediately, but that they might gradually, as men of talent were discovered, be so employed to great advantage. I should not recommend their employment in the highest offices; for I think the policy of our government would always require that the highest offices should be filled by Europeans. At present, the scale of the salaries of our superior native officers in our old provinces, I think, seldom exceeds 200 rupees a month. The highest salary, almost, that a native gets in our old provinces, does not exceed £500 a year, and that very rarely.

2750. If a native occupied such a situation as that of Assistant Collector, would he not be satisfied with a much smaller salary than that given to an European?—Yes, I have no doubt he would.

2751. Do you think that a native, well educated, could be placed in the situation of Zillah Judge?—I have no doubt the office would be very often conducted with great efficiency by a native; and there is no reason why it should not be so, if he was sufficiently well paid to keep him honest.

2752. Would not the administration of the Revenue and Judicial departments by means of the natives be not only as efficient, but more satisfactory to the people, and much cheaper to the government, than that of Europeans?—I have no doubt it would be much more satisfactory to the people; and I conceive the efficiency of the administration would be improved by the admission of the natives to those employments.

2753. If it was much cheaper to government, would not that lead to a reduction of the salaries of the officers, which would make their integrity much more questionable?—It would be such a very considerable improvement, with reference to their present state, that I conceive we should rather secure their honesty, and a faithful and impartial discharge of their duties.

2754. What would you consider a sufficient salary of an European Sub-collector?—I consider their present allowances are sufficient. A Sub-collector, I think, receives about 400 pagodas a month.

2755. What should you consider a sufficient salary to a native if so employed?—I have no doubt that a native would be found to conduct the duties of the office probably for half or two-thirds of the amount.

2756. By the natives, you mean the natives you found in the interior of the country?—Yes.

2757. Not those who are found in the presidencies?—No. I should be very far from recommending the employment of those at the presidencies.

2758. Supposing natives to be employed in the same manner they are now, do you think it most expedient, more particularly for judicial offices, to select natives in the country in which they now reside, or to transfer them from one part of the country to another?—I should prefer employing them in the country where they reside.

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2759. Have not the principal frauds which have been detected in the collection of the revenue been detected in the natives?—Yes. In the districts where the management has not been efficient, very considerable frauds have been detected in the natives; and those must happen under any government.

2760. In the natives belonging to the country?—The greatest frauds I recollect were in Coimbatore; but I do not recollect whether Casee Chitty was a native of that part of the country; I do not think he was a native of Madras.

2761. Have not those cases in which the natives have been corrupt been cases in which they received very small salaries, and had been acting nominally under the superintendence of a gentleman who had not done his duty?—I think in the particular case alluded to there must have been a considerable want of vigilance in the Collector, or abuses to that extent never could have taken place; and as to the salary of the officer alluded to, I do not recollect what was the amount, but I think it extremely probable it was on a lower scale than salaries usually are in our new provinces.

2762. Do you recollect the amount of his embezzlement?—No, I do not; but I know it was large.

2763. Is it not practically the case now, that where a Collector is not vigilant the real duty of his situation is performed by irresponsible and ill-paid native servants?—Yes, that is very much the case.

2764. How is justice administered in the independent jaghires you mentioned?—It is administered very much according to the discretionary authority of the jaghiredars themselves, but a good deal through the agency of punchayets.

2765. Did the people appear to be satisfied with that administration of justice?—I think, generally, they were. These jaghires are in a very flourishing condition; their villages extremely populous; their inhabitants were well clothed, and in many respects better off than our own.

2766. Do you think the people were better satisfied with native officers than with European?—I am not sure that I have stated that generally to be the case, but I know it is so in many instances. I have no doubt the natives look up to our courts for an impartial administration of justice; that they generally conceive that the administration of justice in our courts is impartial, and free from that corruption which their own system is more liable to.

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2767. In making the establishment in the Deccan you were employed in, did you make use of the punchayets?—Yes, we did, in the early stages.

2768. To a considerable extent?—Yes. In some parts of the Deccan they were used with great success, particularly in the southern Mahratta country. Under the administration of the principal Collector, the late Mr. Thackeray, the punchayet system succeeded much better than it has done in other parts, either in our own provinces or any part of the Deccan.

2769. Were they used in any place where they came under your own observation?—Yes; they were used at Poonah.

2770. Were you satisfied with the decisions?—In general I think the decisions were very good; they gave satisfaction to the parties; but there were considerable delays and difficulties in getting the members of large towns to assemble. I do not think it is so well calculated for large towns as for the country.

2771. Do not you think they have great advantages over Europeans in the examinations?—Yes; their knowledge of the language, and their knowledge of the usages and the habits of the people, give them great advantages over European Judges.

2772. Do you think that Europeans can ever acquire a sufficient knowledge of the language, and the usages and habits of the people, to enable them to examine to the same advantage?—I apprehend not, for there is very little social intercourse between natives and Europeans, and there never can be.

2773. Is there less social intercourse between the Europeans and the natives now than there used to be?—There is very little; it is confined very much to visits of ceremony.

2774. What is the manner and conduct of the servants of the Company towards the natives?—In the Deccan the necessity of being extremely courteous and civil to the native gentry was inculcated on all the European authorities; and I think that great satisfaction was given to the native gentry in consequence.

2775. How far do you think it would be possible to convert a punchayet into a jury, and to apply it generally in the administration of justice as part of the system?—The punchayet has very rarely been applied at all in criminal cases in India; it is confined chiefly to civil cases; and I should doubt the advantage of a trial by jury in criminal cases, on account of the intermixture of castes, which would be a great obstacle to its success.

2776. Do you think it might be applied in civil cases?—I think the punchayet should be resorted to in civil cases as much as possible, for it is the original system the natives have been accustomed to.

2777. Are you aware it has been applied both in civil and criminal cases in the Island of Ceylon?—I have heard it; but the

state of the natives of Ceylon being I believe extremely different, the same rule might not apply in both cases.

2778. Was there not a minute directing the attention of the authorities of Madras to this subject?—I think there was; but many years having elapsed since I was employed under the Madras government, I cannot speak with certainty.

2779. You do not know why it was not carried into effect?—No. I think it was partially tried, but I do not know whether it succeeded or not.

2780. Do you think that an increased employment of Europeans in the improvement and cultivation of land would tend to create employments that do not now exist in India?—I think that Europeans could never themselves be employed in the cultivation of land; the climate of the country would never admit of it. They might be employed generally in the superintendence of land; but European labour could never be employed in agriculture.

2781. If they were unable themselves to superintend the cultivation of land, and were to have reason to think it would be a beneficial employment of capital, would not that of itself afford a considerable increase of employment to the native population?—I have already said that the employment of British skill and capital in the cultivation of sugar and indigo, and other articles, might be productive, in my opinion, of great advantage.

2782. Do you not therefore think that the hopes of employment and preferment of that kind which would open themselves to the native inhabitants would have a beneficial influence on them?—I have no doubt it would have a beneficial influence in giving occupation, and in some degree improving the resources of the country.

2783. Would it not have a tendency to create in them an increased sense of the advantages of living under the English government?—I am not quite sure that the admixture of Europeans, of the middling or lower orders, with the natives, would have that effect. I should be very much afraid that the respect and reverence the natives now have for the English would rather be diminished than increased by mixing with Europeans of the middling or lower classes.

2784. Do you not think that the absence of such employments, and of the hope of improving their situation, rather creates in them an unfavourable feeling towards the English government?—I have no doubt that their exclusion from the higher offices must have a very considerable tendency towards debasing the moral character of the natives generally, and on that account it is that I recommend their being admitted to a larger share of the government of the country.

2785. Do you not think that every species of improvement which could take place, and in which they would be allowed to

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have a share, would increase their feeling of respect for the English government?—Rather a contrary effect, if Europeans were admitted in any great numbers into the interior of the country; I mean those of the middling or lower orders. I am perfectly sure that native prejudices would be outraged if the lower classes of Europeans came much into contact with the natives, and that it would produce hostility to our government, and disaffection generally.

2786. Would that disaffection be still more speedily extended through the native population if persons of half-blood were placed in the situations to which it is now proposed to elevate the natives themselves?—Yes: I think it would be extremely bad policy to admit persons of half-blood to higher situations, for the native gentry of the country would look upon them with no respect; they look down upon them very much.

2787. Do you think it possible to manage the interior government of a province such as the Deccan by means of natives, allowing a recourse to be had to that province by Europeans to a limited degree?—Certainly not. I should conceive it would be totally impossible, under the present system of government. A free unrestricted resort of Europeans would at no distant period lead to the total overthrow of our government, in my opinion.

2788. Even supposing those Europeans were as they are at present, with respect to their residence, under the immediate authority of the Company's government?—I conceive that if an inundation of Europeans of the lower orders were admitted into the interior, the government could no longer have that controul over them.

2789. Do you know an instance of any European of capital being desirous of settling himself in the interior?—I consider the great majority of those who resort to India as possessed of no capital: they borrow money from the agency houses at the presidencies, and then resort to the interior; but I believe they have very seldom any capital of their own.

2790. Do you not think that the security of the English government in India would be likely to be rather promoted than otherwise by the native inhabitants enjoying increased advantages?—Yes. I have already stated that by giving them a share of the advantages of their own country, we shall very considerably promote their interests and secure their attachment; but of course a good deal will depend on the way in which it is done.

2791. Do you not think that increased employment of capital would greatly improve the land, and would be considered by them as holding out very great advantages?—No doubt it would. It was on that principle I recommended a reduction of the amount of the assessment of the land.

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2792. Do you think that the settlement of Europeans in the interior would produce the advantages specified in the two previous questions?—I think if it was limited, that the extension of the system of licences might produce advantage in that respect; but the entire controul of government must always be preserved over such Europeans, otherwise they will bring the government into constant collision with the courts of judicature at the presidencies, and that collision tends not only to degrade the government but very much to lower the dignity of the court itself.

2793. Do not you think that any advantages which might be derived by the poorer class of natives from the establishment of Europeans in the country would be more than counterbalanced by the degradation of the higher orders by their exclusion from those situations to which they may now aspire?—If Europeans were allowed unrestrictedly to settle in the interior, I have no doubt it would lead ultimately to the stripping the natives of their land, depriving them of every office or employment, however subordinate, and ultimately reduce them to the most degraded state of a conquered people.

2794. Are the half-castes numerous in the part of India with which you are acquainted?—There are very few in the interior. Those few are employed as mere copyists. They are chiefly to be found at the presidencies.

2795. Does not the unfavourable opinion formed of them by the natives in some degree result from the depressed condition in which they are placed by the Regulations of the East-India Company?—No; I think it generally arises from the prejudices the natives entertain, from the circumstance that they are generally the offspring of low-caste native women; and as many of them are reduced, by the continued admixture of native blood, to a colour more black than any of the natives themselves, the natives regard them with no respect.

2796. They are not allowed to enter into the higher employments, civil or military?—I do not know that there is any prohibition; but they are not usually employed in any offices higher than that of clerks or copyists. Some few are employed in the survey.

2797. You state that some of the half-castes become more black than the natives; is it the fact that the higher castes are not so black?—Some of the Brahmins are nearly as fair as Europeans.

2798. Is that considered a presumption that they are of high caste?—No; I do not know that that raises such a presumption, as there are, I know, various shades of colour in the natives in the different provinces.

2799. Are not the natives peculiarly tenacious of their village institutions?—Yes.

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2800. Do you not think that any thing which might tend to bring them into jeopardy would be calculated to create a very dangerous sensation in the country?—Yes, I have no doubt it would; any interference with the village institutions would create a general disaffection.

2801. Do you not think an unrestricted establishment of the lowest order of Europeans in the country would then be calculated to have that effect?—I have no doubt of that.

2802. You mentioned that you thought the natives might be trusted with the situation of a Zillah Judge; do you think the superintendence exercised over a Zillah Judge would be sufficient in case he was intrusted with that situation?—I should prefer confining them at present to offices subordinate to that of a Zillah Judge; the Assistant Judge, or Registrar, or the subordinate Collectorship in the revenue line. I should not think it politic at once to raise them to the highest offices.

2803. Are not the witnesses examined by the Registrar?—They are.

2804. Would it not be advantageous to have the examination conducted by natives?—The examinations are frequently referred to the native officers; but I have not been much employed in the Judicial department, either as Judge or Assistant Judge, therefore I cannot speak decidedly.

2805. Would not the quality of sugar raised in India be very much improved, as well as the collection increased, by the employment of machinery in the manufacture of it?—There is great room for improvement. I have no doubt it would.

2806. Is not that machinery much more expensive than that required in the case of indigo?—I am not aware of that. The process of making sugar, according to the native mode, is extremely simple indeed. I have never seen how it is manufactured by European machinery.

2807. Do you think that the limited demand there is now as to East-India sugar is occasioned by the quality of it not being so good as it would be if foreign machinery was used in the manufacture of it?—I think that is extremely probable. I know there is great room for improvement.

2808. Is there any silk grown in the Deccan?—No, there is not. I have seen it tried as an experiment on a small scale; but there was not a sufficient quantity of the mulberry-leaf to extend it.

2809. Is it capable of improvement, in your opinion?—I think it is.

2810. Are you sufficiently acquainted with it to know whether it requires great capital?—I am not.

2811. You say that the quality of the coffee is very inferior to that of Mocha coffee?—I think it is.

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2812. Is it, in your opinion, very much like the Bourbon or Mauritius coffee?—I apprehend it is very much of that quality.

2813. Is the cultivation of sugar perfectly free?—Yes.

2814. What description of labourers are employed?—The description of labourers employed in other modes of agriculture.

2815. Are the wages higher for that?—No, I believe not. The assessment of a sugar-cane plantation, previous to a survey, is generally higher than that of other lands.

2816. Is the labour required of the cultivator more severe?—I believe the sugar-cane requires a year or two before it comes to any thing like its growth, therefore the expence of cultivating it is much greater; but the labour, I apprehend, not more severe.

2817. Is there any particular season of the year at which hard labour is required?—Not any degree of hard labour, certainly.

2818. Does slavery exist in any degree in the Deccan?—A modified degree of slavery exists in the Deccan, principally confined to females. There are very few Mahratta families who have not female slaves in their houses; but it is a domestic and mitigated sort of slavery.

2819. Not agricultural?—No, not at all, I believe.

2820. Is the same salary now paid to the Collectors in the Deccan as was paid to them when they exercised judicial functions?—I am not aware that any reduction has taken place; I believe not.

2821. They are all under the presidency of Bombay?—Yes.

2822. Can the cultivation of sugar be carried on without irrigation?—No.

2823. Where there is no natural supply of water, it is necessary to incur expence in the construction of tanks?—Yes, or wells, or aqueducts for conducting streams from rivers.

2824. Under such circumstances considerable employment of capital is necessary?—The machinery is extremely simple; it is confined, with respect to the wells, to a couple of bullocks and a bucket, which draw up the water.

The witness is directed to withdraw.

Ordered, That this Committee be adjourned till Tomorrow, one o'clock.

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Die Mercurii, 31° *Martii* 1830.

The LORD PRESIDENT in the Chair.

31 Mar. 1830.

J. W. Ricketts, Esq.

JOHN WILLIAM RICKETTS, Esq. is called in, and examined as follows:—

2825. You are a native of Calcutta?—I am.

2826. You were the bearer of a petition from a certain portion of the inhabitants of Calcutta and the Presidency of Fort William, which had been presented to the House of Lords?—I was.

2827. How is that petition signed; by what number?—Between six and seven hundred.

2828. Are they mostly persons immediately descended from European fathers and native mothers, or are they the offspring of intermarriages?—They are also the offspring of intermarriages.

2829. Do you know in what proportion?—No, I do not.

2830. Can you state the grievances which are detailed in that petition? The first grievance appears to be a complaint with respect to their being destitute of any rule of civil law; will you explain how that operates upon the petitioners?—We are not recognized as British subjects by the Supreme Court of Calcutta, if residing in the Mofussil.

2831. That is, without the jurisdiction of the Supreme Court?—Just so; which throws us upon the Mofussil courts, the proceedings of which are regulated by the Mohamedan law. As Christians, we cannot avail ourselves of the Mohamedan civil law, though we are subject to the criminal code. The Mohamedan civil code does not apply to us as Christians, though we are subject to the lash of the criminal law.

2832. It does not apply to you as regards marriages or succession to property?—The Mohamedan code is expressly for Mohamedans. It provides for the rights and interests of Mohamedans.

2833. Therefore, in all that regards marriages and succession to property, you are without any rule by which you can regulate your conduct?—Without any definite rule of civil law.

2834. You have said that in criminal cases you are subject to the code of Mohamedan law?—We are.

2835. Is that attended with considerable hardship and severity; for instance, the infliction of punishment in criminal cases?—I am not aware of its being unnecessarily severe, so far as my personal knowledge goes; though its provisions are barbarous as applicable to a Christian population.

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2836. Has there been no mitigation of the severity of part of that code?—The code is modified by the Company's Regulations.

2837. Is there any appeal from that tribunal?—To the Sudder Dewanny Adawlut in Calcutta, but not to the Supreme Court. The question was tried in the year 1821; and it was the opinion of the Judges that we could not claim a right of appeal to the Supreme Court.

2838. Does the tribunal of Sudder Adawlut possess the power of increasing the punishment?—So I understand.

2839. Is that the case without fresh evidence being adduced?—Yes.

2840. In that petition there is a complaint that from all the superior and covenanted offices, as well as all the sworn offices of the marine, the petitioners have been excluded by the positive regulation of the Company?—Either by the positive Regulation, or by the established usage of the service.

2841. Does the preamble also provide that a person so appointed shall not be the son of a native Indian?—It does, with regard to appointments in the regular service of the Company, and in the military appointments of the Company.

2842. Does that apply after intermarriage?—It used to do; but I believe there has been some modification of that rule within the last two years.

2843. That modification is by regulation?—There is no law upon the subject; it is by orders of the Court of Directors.

2844. Do you know of instances in which that modification has been acted upon, in which persons not immediately descended from native mothers have been appointed to situations under the Company?—I know certain instances in which the appointment was refused on that ground on former occasions.

2845. Since the year 1827, has there been no alteration in that respect in the Regulations of the Company?—I see that the phraseology of the prohibition is altered within the last two years or so.

2846. It is restricted to the immediate descendants of the mother, is it not?—I think it is. There has been no formal regulation or notification on the subject; but I gather the fact from the phrase employed, which has been modified of late.

2847. With regard to the subordinate and inferior offices, which do not come under the head of superior and covenanted offices, is there any exclusion of the petitioners?—There is a certain class of situations which are confined by usage to the natives of the country, in which we have no share or part whatever. It would be considered irregular to appoint us to these situations.

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2848. From their being filled by native officers?—Yes.

2849. Does that apply to offices in the judicial department, such as Munsiffs?—Yes.

2850. Are they appointed to act as pleaders in any of the courts?—No; that is confined to natives.

2851. With regard to the military department, how are they situated?—They can hold no commission in the Company's or King's service.

2852. Are they excluded from being non-commissioned officers?—They are employed as drummers and fifers, and so forth.

2853. Can they advance to the rank of corporal?—I am not aware of any instance in which they have been so employed.

2854. Is there an order of the Commander-in-chief in force, which prevents their holding any commissions in the Indo-British army?—There was an order passed by the Commander-in-chief in the year 1808 to that effect.

2855. That, you conceive, is still in force?—Yes; practically so; it has never been repealed.

2856. Therefore they can hold no commission either in the King's or the Company's army?—No, certainly not.

2857. Are there no instances of any deviation from that rule?—There were some of our class who were admitted, both into the civil and military service, prior to the prohibition; the Quartermaster-general of the army, for instance, who is an East Indian, but he was admitted prior to the year 1791; and there is Mr. Achmuty, of the civil service, who was also admitted prior to the prohibitory Regulation.

2858. Does Colonel Skinner hold a commission in the Company's service?—He holds a local rank in the Company's service.

2859. Is he descended from a native mother?—He is.

2860. Colonel Skinner is an officer who has served with great distinction?—Yes; he has signalized himself on many occasions.

2861. Are you aware that there was any disinclination to serve under Colonel Skinner, on the part of the natives of India? —I am not aware of such a thing.

2862. You never heard of any objection being raised against him on account of his mother having lost caste?—No, I am not aware of that.

2863. There is also a complaint with regard to non-employment of the persons of your class by native powers; that there is a restriction upon your employment by the native powers?—Yes.

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2864. Do you know any instance of any persons of your class being employed by native powers?—There were many employed by the Mahratta states; and I believe there are some still in the service of some of the native states.

2865. Do you refer to the independent Mahratta states over which the Company have no controul?—Yes.

2866. In those states over which the Company has a controul are persons of your class employed without obtaining permission from the government?—It is generally understood that they cannot be so employed without the permission of government.

2867. Has that permission been refused, to your knowledge, when applied for?—I am not aware of any particular instance in which it has been refused.

2868. If that permission be granted, it is always liable to be recalled, is it not?—Yes; should any disturbance arise, or any war break out, they are required to return to the Company's territories. The Mahratta officers who were employed in the years 1801 and 1802 were invited back to the Company's territories upon the promise of being pensioned. There were some who availed themselves of the pension, and came to the Company's territories; there were others who were barbarously murdered by the native princes the moment they came to the knowledge of the circumstances.

2869. The treaties with the native powers only prevent Europeans being employed; therefore under what head do you come, as you are not recognized as Europeans, in the interior?—We are sometimes recognized as Europeans, and sometimes as natives, as it serves the purposes of the government; there is no precise character affixed to us in that respect.

2870. You are generally recognized as natives, except within the jurisdiction of the Supreme Court?—Yes; those officers who were employed by the Mahratta states were threatened to be dealt with as traitors if they did not return to the Company's territories on the announcement of the order.

2871. What Mahratta states were those?—Scindiah and Holkar.

2872. Are there any institutions in Calcutta for the education of the children of persons of your class?—There are both public and private schools.

2183. Is the expence of those schools defrayed by yourselves, or do you receive any assistance from government?—We have never received any assistance from government in any shape whatever.

2874. There are funds applicable by Act of Parliament for the education of the natives?—There are; and we are not included in that grant. We have never received any assistance from government in the education of our offspring.

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2875. Therefore the expence is entirely defrayed by yourselves?—Entirely so.

2876. Is there any other grievance which you wish to state to the Committee?—With regard to our not being employed by the native states, I know of some instances where a penalty bond has been taken from persons going out from this country to India, under two securities, that they should not enter into the service of the native states. East Indians who have come to England for education, when they have applied for permission to return to their native country, have been allowed to do so, but under a penalty bond that they should not enter into the service of any native state.

2877. Can you state the number of persons of your class in the province of Bengal?—I should think that the number would not be underrated if I estimated it at about 20,000, more or less, in Calcutta and all the provinces. There was a Police Committee Report made in the year 1822; and the Christian population in Calcutta was estimated at 13,138, of which there were 2,254 Europeans; consequently we are included in the remainder, that is, about 10,884. The number must have increased considerably since 1822.

2878. The number increases in proportion to the number of Europeans employed?—We outnumber the Europeans very considerably, certainly.

2879. More Europeans being employed in consequence of the increase of territory, your numbers are upon the increase?—Yes: and from the offspring of intermarriages.

2880. You stated that in the provinces you, being Christians, were subject to the Mohamedan criminal law; is not that law much altered and modified by the Company's regulations?—Yes, it is considerably modified.

2881. Are not the native-born subjects of the King subject to the same law for any offence less than felony, in the provinces?—I am not aware of the extent to which they are. They are not understood, certainly, to be subject to the criminal law of the Mofussil courts.

2882. Are they not liable to be punished for offences less than felony by the Company's magistrates in the provinces?—I am not aware of that circumstance. I have not resided in the interior to know the fact.

2883. Will you turn to the Act of Parliament of the 53d Geo. III., cap. 155, and state what enactment is contained in that clause with regard to criminal offences committed by British subjects in the provinces?—By this it appears they are subject to be punished for any offence not being felony by the magistrates of the Zillah courts. I do not know that that has ever been put into practice, which made me doubt the fact.

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2884. You have stated that although subjected to the Mahomedan criminal law, you are not permitted to avail yourselves of the Mahomedan civil law, being Christians; will you state under what civil law you consider yourself to be placed in the province?—What I meant to say was this; that, as Christians, the Mohamedan civil law does not apply to us, so as to render it desirable for us to avail ourselves of it. It is exclusively applicable to Mohamedans; it applies to their case, not to the case of Christians. It is a singular anomaly, that a Christian subject under the British government should be subject to the Mohamedan civil code. The Mohamedan civil code goes entirely upon the principles of the religion professed; it is based entirely upon the Koran.

2885. Are you acquainted with Regulation III. of the year 1793, by which all natives and other persons not British subjects are amenable to the jurisdiction of the zillah and city courts, and those courts are empowered to take cognizance of all suits and complaints respecting the succession or right to real or personal property, lands, rents, revenues, debts, accounts, contracts, partnerships, marriage, caste, claims to damages for injuries, and generally all suits and complaints of a civil nature. By the same Regulation, in cases coming within the jurisdiction of those courts for which no specific rule may exist, the Judges are to act according to justice and equity, and good conscience. By the same Regulation, in suits regarding succession, inheritance, marriage, and caste, and all religious usages and institutions, the Mohamedan laws with respect to Mohamedans, and the Hindoo laws with regard to Hindoos, are to be considered as the general laws by which the Judges are to form their decisions. Do you apprehend that under that Regulation any Christian engaged in a civil suit would be obliged to have that suit determined according to the law which was solely applicable to a Mohamedan?—I certainly think so.

2886. What civil code is in use in the provinces as regards Hindoos?—If the party be a Hindoo, there is the Hindoo code for him; if the party be a Mohamedan, there is the Mohamedan code for him; but there is no express provision made for Christians.

2887. Supposing a person of the half-blood to be the son of a Hindoo mother, do you apprehend that that person would be considered as a Mohamedan, and that his civil suit would be tried according to the Mohamedan law?—I think that they are generally taken for Mohamedans, and dealt with accordingly.

2888. Do you not think that under the Regulation of which the substance has been stated to you, the magistrate would have a power of acting in such a case according to justice, equity, and good conscience?—It may be so; but that is a very dubious principle; and it would be left entirely to the magistrate's own

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sense of justice, or his own feelings on the subject. The magistrate may certainly act upon the new principle with regard to Christians, if so inclined.

2889. Are you aware of any practical grievance that has been sustained by persons of half-blood, in consequence of the present state of the law of the provinces in regard to civil suits?—I have not resided in the Mofussil, and therefore my acquaintance with the practice of those courts is very limited; but what we complain of is the principle of the thing, more than the practice; the principle is odious.

2890. Will you state what description of offices are now held by persons of the half-blood?—They are principally employed in subordinate capacities in the public offices of government.

2891. They are employed very extensively as writers, are they not?—They are.

2892. And as clerks?—Yes.

2893. As clerks in merchants' houses?—Yes.

2894. As clerks in the customs and the revenue department?—Yes.

2895. And in the judicial department?—They are generally employed as clerks in the different departments.

2896. In the military department?—As clerks in all the different departments of government.

2897. Can you state whether they are employed in the police of the country?—They are employed as clerks in the police department.

2898. Are they employed in the irregular corps?—They have been so employed; but the corps were disbanded, and they were thrown out of employment.

2899. As long as they existed they were employed in the irregular corps?—For a time they were; during the Nepaul war; that is, as long as the exigencies of the government required their services.

2900. Can you state the highest salaries received in any case by a person of half-blood?—They have received salaries as high as four and five hundred rupees a month.

2901. That is about £600 a year, is it not?—It is. These are very rare cases indeed; there are not many such cases.

2902. Are there many persons of half-blood who, in your opinion, are qualified to hold high situations, by their education?—Certainly. I say so with the most perfect confidence.

2903. Can you give the Committee any idea of the number of persons whom you consider qualified to hold higher situations than those now filled by persons of that class?—I dare say we might collect about 500 persons of that description, calculated to hold situations of trust and responsibility.

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2904. How are those persons now employed?—They are employed, as I have before stated, as clerks in different public and private offices.

2905. Your opinion is, that a well-educated clerk is fit for a much higher situation?—I mean to state that their talents are not brought into proper exercise.

2906. You have stated the number of persons so employed as clerks to extend to 500?—I should think there must be about 1,000 or more of them, altogether.

2907. Do you mean in Calcutta alone?—Yes, in Calcutta alone; in the different public and private offices.

2908. The total number of persons of the half-blood you stated at 20,000?—Yes.

2909. Can you state the number in public offices?—There may be five or six hundred.

2910. Are they extensively engaged in trade?—Some of them are.

2911. Are they engaged in the maritime trade of the country?—Yes, they are.

2912. To any great extent?—To a pretty considerable extent, as a beginning.

2913. Is any large portion of the trade between Calcutta and China conducted by persons of the half-blood?—Not a considerable portion.

2914. Are there in any cases officers and captains of ships engaged in that trade?—Some few of them are.

2915. Are there any wealthy mercantile houses in Calcutta?—There are some.

2916. Can you state the amount of the property of any house of persons of the half-blood?—Baretto's house was considered one of the wealthiest houses in India; besides which there are Lackersteen's, Brightman's, and Bruce and Allan's houses.

2917. Persons of half-blood, as the law now stands, and under the Regulations of the Company, can purchase land in any part of India, can they not?—Yes, they can; but under all the disadvantages of the case, arising from the imperfect state of the law, and the corrupt administration of justice in the Mofussil courts.

2918. And are not liable to be sent out of the country?—No, certainly not.

2919. Therefore they have those advantages which are not possessed by Europeans?—Yes, such as they are.

2920. What establishments are there for the education of persons in your condition, in Calcutta?—There is the Military Orphan School, which is supported by the subscriptions of the

army; and there is the Parental Academic Institution, and the Calcutta Grammar School. 31 Mar. 1830.

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2921. How many persons may be educated in those three establishments?—There must be about 500 or 600 in the Military Orphan School (the Upper and Lower Orphan School); perhaps 800, including both sexes. There are about 130 or 140 boys in the Parental Academic Institution, and about forty or fifty in the grammar school; and there are private schools besides.

2922. How high is education carried in those three establishments you have mentioned; to what age do the children continue there?—The age of seventeen or eighteen, in the boys' school.

2923. The boys and girls are not together till that age?—They are not in the same building

2924. Have they any means of education after the age of seventeen?—They have no collegiate education after that.

2925. There are no means of collegiate education in Calcutta?—No, there are not; unless it is the Bishop's College, which is confined to missionary purposes. The Parental Academic Institution has done a great deal in that way; it has succeeded to a happy extent in raising the tone of education in the country.

2926. Some persons of half-blood being educated as you have mentioned, are fit for higher situations than those they can now hold; there are others, are there not, who have no education, and who are in a state of great destitution?—Yes, there are others who are educated in the Free School and in the Benevolent Institution, and other charitable institutions.

2927. In that number of 20,000 you have mentioned, do you include the children of common soldiers?—I include the whole number.

2928. Can you state, with any degree of accurary, the proportion which persons in that state of destitution, the sons of common soldiers and persons of very low condition, bear to the more educated class of which you have spoken?—They must form the great majority.

2929. What should you suppose to be the number of the educated persons of whom you have spoken?—I should think there must be 1,500.

2930. Of whom 1,000 are already employed; and of that 1,000, 500 or 600 in government offices?—Yes.

2931. Are those who are the children of common soldiers in all cases Christians?—They are brought up as Christians.

2932. By whom are they brought up?—The children of Eu-

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2933. If born in the country, what is done?—They are sent to the Lower Orphan School.

2934. How are they disposed of when they grow up?—They are sent out as drummers and fifers, and so forth, and apprenticed to tradesmen.

2935. Are there many of the half-blood who are not Christians?—I am not aware of any; there may be some solitary instances. I understand, but I do not know how far it is true, that there are some Europeans residing in the interior, who, seeing the disadvantages under which their offspring labour, have preferred bringing them up as Mohamedans. I have understood that there are some cases of that kind in the interior.

2936. You are not able to give any general idea of the situations which have been held by the fathers of those persons, to the number of 1,500, of whom you have spoken as educated?—They have been in the civil and military service of the Company, and in the King's army, merchants, tradesmen, and others.

2937. Are persons of that class, residing in the interior, entitled to the protection of the Habeas Corpus Act?—No, they are not.

2938. They are treated in that respect as native subjects, even though they may have purchased land in the interior?—Entirely as natives.

2939. They are liable to imprisonment at the discretion of the local magistrate?—They are.

2940. In the petition which has been presented it is stated, that by an enactment of the local government they have, as belonging to the above-mentioned class, that is, the class of Hindoos and Mohamedans, been deprived, as a body, of the protection of the Act of Habeas Corpus; and the Regulation to which reference is made in the margin is Regulation III. of 1818. Is not that a regulation for the confinement of state prisoners?—Yes.

2941. The natives are not entitled to the protection of that Act?—No.

2942. Therefore the half-castes stand in the same situation as natives in that respect?—Yes.

2943. Have you observed in the persons of the half-blood, who are in poor circumstances, a strong desire to improve their situation in general?—Yes, there is a strong desire of that kind.

2944. Do you think they are under the influence of a stronger feeling in that respect than the poorer class of Hindoos and

Mohamedans in general?—Yes; from the nature of the education they receive, and the principles in which they are brought up. This gives a different tone to the mind. 31 Mar. 1830. *J. W. Ricketts, Esq.*

2945. Are you aware of any applications having been made to the government for pecuniary aid to those schools you have referred to?—Yes; there were three different applications made to the government: one was for the supply of medicines for the Parental Academic Institution, and two applications for pecuniary assistance; but they were one and all refused.

2946. Would not that assistance, if it had been afforded, have been as valuable from the sanction that it would have afforded to the schools as from the amount of pecuniary aid that might have been obtained?—It would.

2947. Are you aware of persons of the half-blood having been employed in situations that have required a remarkable degree of circumspection and propriety of conduct; as teachers of religion, for instance?—They have been employed as missionaries in some parts of the country.

2948. Have they been employed as preachers, or chiefly in the business of education?—In both. They have been employed as teachers of schools, and also as preachers of the gospel.

2499. Have you heard of their having subjected themselves in those employments to any degree of reproach or censure?—No, certainly not; they are still so employed.

2950. Do you not think that the influence which they would possess in such employments would be very much increased by the removal of those restrictions to which they are now subject?—Certainly. It is a thing for which the natives themselves cannot account, that the government should reject, as it does, their own Christian offspring, and treat them with marked neglect and proscription.

2951. Do you not think that the disadvantageous situation in which they are now placed in the provincial courts of law is extremely unfavourable to their employment, and the means of investing capital in those situations?—It operates very injuriously in that way: it must prevent their residence in the interior.

2952. Can you form any idea of the proportion in which persons of the half-blood have increased within the last ten years, as compared with the European population?—I cannot form any precise idea of it; but the population has increased very rapidly within the last fifteen or twenty years, and is still increasing. The full tide of our population has flowed in, and must increase; there is no stopping it.

2953. Are the same branches of knowledge taught in the schools in which the persons of half-blood are educated as in

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the European establishments?—The same. My opinion of the education in Calcutta is such, that, having brought two of my own sons to England for education, and not being satisfied with what I have seen in this country, it is my intention to take them back again to be educated in Calcutta. I give the preference to an education in Calcutta; that is, I see no necessity for the sacrifice of tearing children from their parents, and sending them away to England for education.

2954. Is more attention paid to the acquisition of the native languages in the schools in which persons of half-blood are educated than in others?—Yes. We employ native teachers for instruction in Bengalee and Persian. That is a particular branch of education.

2955. Do you not think, then, that if the restrictions under which they now labour were removed, their proficiency in the native languages would give them a very considerable advantage over every other description of inhabitants of India?—Certainly; as natives of the country, and as fixtures of the soil, they might be rendered instruments of great good to the country. If the real interests of India be sought, those interests cannot be more effectually promoted than through the instrumentality of those who have been born, educated, and have spent their lives in the country; that is my firm opinion.

2956. Will you state whether you are acquainted with any circumstances of persons of your class who have been subjected to detention by the government under the Regulation of the year 1818?—I am not aware of any instance.

2957. You are one of the persons who have signed the petition to which reference has been made?—I am.

2958. You state in that that the rule and regulation of the government of the East-India Company have, by clear and express declaration, included your petitioners in the class of native subjects of the British government. Is the offspring of European fathers and of Indian mothers, supposing a marriage to have taken place, classed by those Regulations as native subjects of the British government?—If born in wedlock, by the law of England they are British subjects.

2959. They are entitled to all the privileges of British subjects?—Clearly; but, practically speaking, they labour under the same disabilities as those born out of wedlock.

2960. The grievances of which this petition complains refer to those that are illegitimate children?—Yes, and also to their offspring born in wedlock.

2961. Have you known many instances of Europeans being married to native women?—There have been one or two instances. I think Mr. Harrington, who was afterwards a member of Council, married a native woman.

2962. Do not such instances occur among the European soldiers and persons in that rank of life?—They are married to native Christian women, but not to Hindoos and Mohamedans. I mean that they are married to Portuguese women, as they are called.

2963. The ladies of half-blood are very extensively married to Europeans; are they not?—Yes, they are.

2964. In their case their offspring become entitled to all the privileges of British subjects?—Yes; but should we marry European women on our part, our offspring are not British subjects.

2965. Do you think that if the half-castes were put on the footing desired by that petition, that would tend very much to increase the number of them?—I do not know that that would tend either to increase or decrease the number; but it would certainly tend to place them on a more satisfactory footing.

2966. Is it not the case as to the illegitimate son of an Hindoo mother by an European father, in the case of his civil affairs they would be governed by the Hindoo code; and if the son of a Mohamedan mother by an European father, then by the Mohamedan code?—That would strictly be the case; but they are generally dealt with as Mohamedans in the native courts.

2967. Might not the son of an Hindoo mother claim that his suit should be decided according to the Hindoo law?—Certainly he might do so; there could be no objection to it.

2968. The Judge could not refuse so to decide?—No, he could not.

2969. Would the appointment of persons of your class to offices from which they are at present excluded raise their respectability in the eyes of the natives, or would it be seen by them in an unfavourable light?—It would raise them in the estimation of the natives, who are at all times disposed to identify them with their fathers; and it is the marked distinction that prevails which attracts their notice; it is a thing for which they cannot account.

2970. You mentioned that your applications to the government for pecuniary assistance to the institutions for education were refused; do you remember the grounds on which they were refused?—There was no reason assigned; the letter merely stated that government did not deem it expedient to comply with our application.

2971. There was nothing in the letter which could lead you to suppose it was grounded on any principles applicable alone to the class of half-castes?—Coupling it with the general tenor of the Company's policy towards our class, it could have made no other but that one impression, that the refusal was grounded

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on the application having come from our class, and from the institution in fact being an institution that originated with and was supported by our class.

2972. Was not that answer which you received from government the same as had been returned to similar applications from different descriptions of charities?—I remember Doctor Marshman having made an application for pecuniary assistance for the Benevolent Institution, and that application was complied with; and Mr. Thomason having made an application for the Female Asylum, which was also complied with; and the government made a similar grant to other institutions, in consequence of applications from Europeans in their behalf; such as the Free School and some others.

2973. Do you recollect any instance of grants having been refused which were applied for on similar grounds to that you referred to?—I am not aware of any.

2974. What situation do you hold yourself in Calcutta?—I was in the office of the Board of Customs.

2975. State the name of the office?—Deputy Register.

2976. What was your salary?—300 rupees a month.

2977. Have you any objection to state who your father was?—He was an ensign in the Engineers, and died at the siege of Seringapatam in the year 1792.

2978. Where were you yourself educated?—In Calcutta; in the school supported by the army, the Military Orphan Society.

2979. Did you go to any other school after you left that?—No, I did not. There is one circumstance that I omitted to state, which is this; that many of my countrymen have been educated in England, Scotland, and Ireland, but on their going back to India they have been so much disappointed at the state of things, that they have in many instances returned to Europe to seek a livelihood, finding that the door was completely shut against them in their own native country. I mean men of the first-rate education.

2980. Did those persons return to India during the lifetime of their fathers?—Yes, in some cases. There was the son of a general officer, who returned in the year 1825; he had obtained the diploma of Doctor of Medicine, and went out to practise, but he found that the state of society was such as to compel him to return to Europe, and I believe he is now practising in this country. There have been some other instances of this kind.

2981. Have those persons generally returned to India as men to seek their own livelihood, or were they called to India by their fathers after having completed a portion of their education in this country?—In some instances they have been

called by their fathers; in others they have gone out of their own accord. 31 Mar. 1830.

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2982. Have they upon arrival in India been excluded from the British society?—Not altogether excluded; but they have soon been able to feel the public pulse on the subject, and they could not brook any thing of that kind, and they would therefore much rather return to Europe than drag out an uncomfortable existence like that in India.

2983. Are any of them practising to any extent in the medical profession in India?—There are two or three.

2984. They are received in society, of course?—They are received in a certain class of society.

2985. There was nothing in the Company's Regulations that prevented the employment of the physician to whom you have referred?—No, not applicable to him individually.

2986. Was he employed by Europeans?—He did not remain long enough in Calcutta to ascertain that; the moment he saw the state of things, he returned to England.

The witness is directed to withdraw.

THOMAS HARVEY BABER, Esq. is called in, and examined as follows:

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2987. In what situation were you in India?—I was employed for the first ten years in the revenue department, also as a judicial officer.

2988. In what part of India?—On the western coast principally; in the Malabar province. From 1798 to 1808 I was employed in the revenue department, as above; from 1808 to 1816 in the capacity of Zillah Judge, first of the Zillah Court of Tellicherry, and afterwards of Mangalore; from 1816 to 1824 as third Judge of the Provincial Court of Circuit and Appeal in the western division; from 1824 to 1827 as principal Collector and Political Agent of the southern Mahratta country; and from 1827 to 1828 (January 30) as chief Judge of the Provincial Court of Circuit and Appeal in the western division.

2989. Will you state by what classes of people Malabar is inhabited?—By Hindoos and Mohamedans, and a great many Christians. I can give the average of the number. The different classes of the Hindoos, I apprehend, are about four-fifths of the whole population; the Mohamedans nearly one-fifth. There are about 10,000 Christians altogether in Malabar, and about 50,000 in Canara. The Mohamedans differ from those of Hindostan or the Carnatic; they are called Mopillas—Anglicè, sons of their mothers.

2990. There are many Arabs, are there not?—A few of the Mopillas are descendants of Arabs.

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2991. Do many Arabs still come over to the country?—Constantly; every year.

2992. What is the condition of the Christians of whom you have spoken?—They are descendants from Europeans; some few from Englishmen, but chiefly from Dutch, French, and Portuguese; also native converts.

2993. They are all of the half-blood, are they?—Their ancestors married or formed connections with native women; but there are very few of those half-castes remaining. The remainder are descendants of those half-castes.

2994. Are there any Christians among them who appear to have any European blood?—The greater proportion of them are fully, with respect to colour, as dark as the natives themselves.

2995. Are there many Christians among them who appear not to have descended at any distance of time from Europeans; to be pure natives?—There are about 10,000 Christians altogether in Malabar, I should imagine, chiefly of the Roman Catholic Church.

2996. What is the tenure of the land in Malabar?—The property in the soil exists as strong as it does in this country; it is more properly allodial; the name of it is Jelm, which means birthright.

2997. Is property of that kind equally possessed by Christians, Mohamedans, and Hindoos?—Equally.

2998. Are the properties of any considerable extent?—They are divided and subdivided. There are estates so small as to produce hardly a rupee a year patom or rent; on the other hand, there are estates which produce perhaps from 5,000 to 10,000 rupees. Some individuals possess from ten to one hundred estates; the Zamorin Rajah for instance: his domains (crown lands) probably bring him a revenue of from 20,000 to 50,000 rupees a year; I cannot exactly mention the amount, for they are distributed all over the country.

2999. Do those great proprietors manage all their estates themselves, or lease them to tenants?—They lease them almost exclusively, except perhaps the land on which their family house stands, which they never part with.

3000. What is the extent of those leases?—If garden land, twelve years is the general period; but this is often continued from generation to generation, without going through the form of drawing out a new lease or a new assignment.

3001. Are they in the habit of altering the rent from year to year?—Yes; garden lands at the expiration of the leases, but not paddy fields (that is, rice fields), which never undergo any change, unless it is land newly brought into cultivation.

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3002. There is in those cases an hereditary tenant who pays the same rent which has been paid by his predecessor?—Yes; but there are two descriptions of tenants; what are called the jelm, or permanent hereditary tenants, and the temporary, or tenants at will. In Canara the former are called moolgueny, or hereditary, and the latter chaly gueny; in Malabar the former are called jelm patom and jelm koori, the latter koori kanum, or simply patamkar. Jelm, as I have before said, means birthright.

3003. In what manner is the government revenue assessed on those properties?—There is no actual standard; there never has been a standard. In fact we have perpetuated the system we found established by Hyder, and afterwards by Tippoo.

3004. What is that system?—It varies in different parts of the district. In the province of Canara it is about twenty-five per cent., in Malabar about thirty, that is, of the gross produce; though this is, after all, but nominal.

3005. Is that revenue collected from the tenants, or from the proprietors?—Partly from the proprietors and partly from the tenants; it depends entirely on the will and pleasure of the proprietor.

3006. Have there been any sales of land for arrear of revenue?—Very considerable; so much so that almost an entire revolution has taken place in property, owing to these and sales in execution of judgments of courts, within the last thirty years. When they have been sold, many of them have not fetched one-fifth of their value; that is, original cost.

3007. Where a tenant of a small estate failed to pay the revenue, did the Collector immediately sell that portion of the estate?—No. In the first instance his person was liable, then his moveable property; every article of every description, every thing which could be laid hold of, was seized and sold; and that failing, then the land; even slaves have been sold the same as cattle.

3008. Did not the Collector apply to the proprietor for the payment of the revenue deficient on one of the small estates?—Not unless the proprietor's name was registered in the revenue accounts as the responsible person.

3009. By the nonpayment of revenue on the part of a tenant, the property occupied by that tenant might be sold without the knowledge of the proprietor?—It was very often sold. The proprietor might step in and tender the sum if it was worth his while, or he could raise the means so to do.

3010. Had the proprietor, after the sale, any power of repurchasing the estate?—The same as all other persons, but none in consequence of his having been the former tenant or proprietor; he came into the market in the same manner as

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other persons, but not in consequence of any former inherent right.

3011. Supposing the estate to have been sold without his knowledge, had he the power of repurchasing it?—He could not prevent the sale; it was gone from him and his family to all intents and purposes.

3012. Has any commission been sent into that part of the country to remedy any inconvenience that might result from that state of the law?—Yes; three. The first in 1807, under Mr. William Thackeray; afterwards, in 1817, Sir Thomas Munro; and in 1819, to the best of my recollection, Mr. Græme, the late acting Governor at Madras.

3013. What measures were adopted by those several Commissioners?—Reports and recommendations were sent up to the government, and more especially by Mr. Græme; and regulations were drawn out, also surveys were made, which were about to have been acted upon, but there were objections to them on the part of the people.

3014. Nothing has been done?—Not that I know of. There was something doing when I left Malabar in 1828, I believe; but I am not aware of the extent or effect of it.

3015. Is the country well cultivated?—Highly; a garden from one end of it to the other.

3016. Was that so at the time we first obtained possession of it?—Not so much so as at the present moment; the country had been a prey to intestine wars and rebellions for years, and in consequence a great part of the population had fled to the Cochin and Travancore countries, nearly all of whom have since returned.

3017. Who were the chief purchasers of the estates which were sold?—Mopillas, and the public servants; that is, persons in the receipt of salaries from the government; these, in fact, have been the most thriving.

3018. Are the Mopillas engaged in trade?—They are; the whole of them are merchants and shopkeepers, as well as land proprietors and cultivators.

3019. Therefore they invested the fortunes they have had in trade?—Yes.

3020. Do they trade much with the coast of Arabia?—Yes.

3021. With the Persian Gulf?—Yes; with the Red Sea, especially Judda, Aden, Mecca, and Medina, and generally with all the ports in the Red Sea.

3022. Are their vessels numerous?—They were; but they are not now half what they were, in consequence of the monopoly of timber by the government, who assumed and declared the forests to be royalties, instead of which those in Malabar

have been purchased or inherited in the same way as every other description of landed property.

3023. Are they unable in consequence to build vessels?—They were for some years. I have seen several applications, both to the Bombay and Madras governments, requesting permission to fell timber themselves, or to purchase timber of the original proprietors; which requests were invariably refused, on the ground that the timber was required for naval purposes.

3024. Has it been used for such purposes?—Yes, it has, to a great extent; but a certain portion has been sold, chiefly what is called the refuse, or second and third sorts.

3025. What description of wood?—Chiefly teak and poon.

3026. Who were the purchasers of the timber which was sold, which you call the refuse timber?—Arabs, Parsees, and occasionally some of the inhabitants themselves.

3027. What is the size of the vessels?—The size of the vessels was from one hundred to five hundred tons. I can mention the names of some of the ship-owners: the Beebee or Queen of Cananore. This lady is queen in her own right.

3028. How many vessels has she?—She had previous to the monopoly nine; she has now four or five. Chowakkara Kunhy Packey, the heir of old Moosa, a man well known on the western coast, had twelve; that is, Moosa himself had. These are reduced, I think, to seven. I can mention their names and burthen.

3029. What was the total number of those vessels?—At one time, from twenty to thirty of from one hundred to five hundred tons burthen, belonging to the above two persons and other ship-owners; besides which there were other descriptions of vessels, such as botillas, dows, dingeys, and patamars and munchoos.

3030. Those smaller vessels carried on the coasting trade?—Yes; and some of the largest of them go up to Mocha, Judda, and other places in the Red Sea; also to Muscat, Bushire, and Bussora, in the Persian Gulf; Porabunder, Cambay, Cutch, Sind, and a long way up the Indus.

3031. To what town on the Indus did those vessels go; did they go to Hydrabad or Sind?—Yes; I believe they go up as far at least. I have seen bales of cashmere shawls brought amongst the return cargoes.

3032. Are you aware whether they have ascended the river of Punjab?—No; I am not aware of any communication with the Punjab rivers. They go up the Indus; but I am not aware of their going there further than that. I know that Peishwoor merchants have come down in Sind boats.

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3033. Trade to a considerable extent is carried on to Shiccapore, is it not?—No, I am not aware of that.

3034. What are the articles which are exported in those vessels to the Red Sea?—Pepper, cardamums, rice, paddy (or rice in the husk), grain of all descriptions, arrow-root, ginger, cocoa-nuts, kopra (kernel of the cocoa-nut), cocoa-nut oil, and coir, which is made from the fibres of the cocoa-nut. The value of the produce of the cocoa-nut tree alone, exported from the western coast, is supposed to be an hundred lacs of rupees.

3035. From what ports do those exportations chiefly take place?—From Cochin, Chowgaut, Panany, Tanore, Perperangady, Beypoor, Calicut or Kohicote, Quilandy (which is a favourite Arab port), Kotah, Barragurry, Mahe, Tellicherry, Cananore, Cavai, Bekklum, Mangalore, Cundapore, Onore, Cumpty, Seedashagur, besides numerous intermediate ports.

3036. Is Quilandy a good port?—Yes; there are more of the Arabs congregate there, and more mosques, than in any other port on the coast. The Mopillas here are the fairest of all the Mohamedans.

3037. Can vessels of 700 tons enter every one of those ports?—They can approach as near as a thousand yards of the shore with perfect safety, nearly all along the coast.

3038. Are they safe in those ports during the monsoons?—No; the strongest vessel that was ever built could not ride out a Malabar monsoon. One or two attempts have been made within my observation, but they were obliged to go off.

3039. Where do they go to when they are obliged to go off?—To Bombay; some to Cochin, where there is a very fine river.

3040. What are the chief importations from the Red Sea?—Coffee, dates, and gold dust; almonds, kissmisses (dried grapes), prunes, gums, drugs, perfumes, elephants' teeth. There are several others which I cannot call to recollection at this moment; but chiefly, however, they bring specie, in venetians or sequins, and dollars.

3041. Do you know how far up the Red Sea those vessels go?—The full extent of the Red Sea. Very few of the Malabar vessels go up that length, but they have agents or commercial dealings the whole way to Suez.

3042. How far do the vessels go?—To Cossier, I think.

3043. Have you heard of their being frequently lost?—No; very rarely indeed.

3044. What time do they occupy in going and returning?—They generally go before the monsoon, and return after the monsoon; or rather from January to April, and return from the beginning of August to January.

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3045. From what part of the coast of Arabia do the Arabs chiefly come?—Chiefly from Arabia Felix.

3046. From any principal port?—From Aden, Judda, Mocha, and Muscat, and all the ports at the mouth of the Red Sea.

3047. Is much trade carried on with Muscat?—A great deal, particularly with the port of Cochin.

3048. Are you aware whether any great difficulties were experienced by the merchants who come down the Indus?—No, I am not aware of any. Pirates were common some years ago, but they are all destroyed, I believe, now.

3049. The question applies to the navigation of the Indus itself?—No, I am not aware of any impediment. I have often talked to the Sind merchants whom I have met with at Tellicherry, Calicut, and Mangalore, but I have never been apprized of any particular difficulties

3050. What are the returns from Sind?—Cotton piece goods are all I can call to recollection just now, except shawls; but chiefly specie. I think they generally purchase their return cargo with money, which is so valuable to them.

3051. How is justice administered in Malabar?—According to the Regulations of Government, adopted from Bengal.

3052. Just as it is in the other parts of the territories under Madras?—Precisely the same. What is called the civil law is the local law of Malabar and Canara, called Deshachari, which differs entirely from the ancient Hindoo law, as contained in their Shasters, named Iruti, Dherma Shastra, Mimamsa, Dya Bhaga, &c.; for instance, the local law of succession, descent, and inheritance, is totally distinct, perhaps peculiar to the western coast, where property descends, not from the mother to the son, but the sister's sons, and, those failing, to the aunts on the mother's side and their descendants. This is called Maramakatajum—Anglicè, Nepotism.

3053. Is that peculiar to the Hindoo part of the population?—No; many of the Mopillas, especially the two head families (*viz.* the Beebee of Cananore and Chowakkara) I have mentioned, follow the same rule.

3054. As well as the Hindoos?—Yes, but not the whole; a portion of them follow the law of Mohamed.

3055. Does this law of descent adhere to the family or the land?—To both.

3056. If the land was purchased by a person of a different religion, would it still descend according to the original order?—It depends upon who the purchaser was; if a Hindoo or Mopilla, following the local law, it is in his gift; or it may go in the way the property was inherited, provided it can be ascertained or proved that it was purchased with the proceeds of the

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hereditary property. The senior male of the family is generally considered as the manager, although, properly speaking, the senior female is the lawful proprietor. The Cananore Beebee, for instance, also the Ranny, or Queen of Travankore, under the name of Attinga Umma Tamburattes. Treaties, every thing of importance, is or should be done in her name, though the rajah, her son, is the ruling rajah. The husband or father is never mentioned, and with the Hindoo rajahs perhaps not known.

3057. Does property more usually descend in the female than in the male line?—Always with the Hindoos, excepting the Brahmins, in the female line; but the sons of the females are the managers of the property. One of the most reproachful terms in Malabar is calling a man Appa—Anglicè, Father.

3058. Are punchayets used in criminal suits in that country?—Not since the establishment of the Company's dominion.

3059. Were they exceedingly used before?—There were what were called Sabbahs, or assemblages of influential men, though not exactly of the nature of punchayets; but, in point of fact, there was no regular administration of criminal justice at any time.

3060. Will you state your opinion as to the practicability of introducing the use of native juries in the administration of civil and criminal justice in Malabar?—It would be the most acceptable alteration to the people that could be introduced; it is the one thing wanting in the part of India I have been employed in.

3061. In that part of India are the people who would be called to serve on juries superior to those who would be called upon for the same purpose in other parts of India?—I think they are. They would be taken discriminately, I should imagine.

3062. Are there persons of higher description in Malabar?—There are nearly 300 different castes of people in Malabar.

3063. Are there persons better educated in Malabar, possessed of more property, and altogether more fit to perform the duties of a juryman, than there are in other parts of India with which which you are acquainted?—The only parts of India I can speak to are the southern Mahratta country, that is, the country from the Kistna river down to the Toongbudra, comprising a population of about a million and a half of souls; and the western coast provinces, composing a population of between two and three millions. I should say decidedly, that the people of Malabar were the most intelligent and best informed of any natives I have ever met with.

3064. Have they ever expressed a wish to be admitted to any share in the administration of justice?—Yes, frequently. When I was senior Judge of the Provincial Court of the western division, I was particularly directed to ascertain the feeling of the

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people upon that question. I have now brought with me two letters I received from Mr. Græme, the then acting Governor of Madras, upon the subject, which I can produce, if it is desired.

The same are delivered in, and read; and are as follow:

"Madras, 21st August 1827.

"My dear Baber,

"Your opinion has always been in favour of the independence, the intelligence, and the general good character of the inhabitants of Malabar; and you have always wished to raise them to the possession of all rights and privileges that might be consistent with a due subordination to the government, and that would add to their moral happiness; you will, therefore, I think, read with pleasure the inclosed draft of a Regulation, preparing to establish juries. It is thought better to confine them, at present, to those places where the zeal, the ability, and the concurrence of the presiding Judge in the expediency of the measure, may hold out the most rational prospect of its success; and I am naturally anxious to know the sentiments of one in every way so well qualified as yourself to give effect to an important institution, if you think it adapted to the state of Malabar. By your answer I shall be determined on the propriety, or otherwise, of proposing to extend the jury regulation to Malabar."

"Madras, 15th September 1827.

"My dear Baber,

"It gives me great pleasure that you take up the jury regulation with your characteristic ardour; for there can be little doubt that with your talent and perfect knowledge of the language and character of the Malabar people, and your partiality for them, the measure will succeed in your hands. The Regulation, modified by the Sudder, and sanctioned by government, will be published in a few days; when, upon expressing your sentiments officially, the government will be enabled to use the discretion vested by the Regulation, by directing its being introduced into Malabar, when you may be known to be presiding at the Quarter Sessions."

3065. Did that first letter enclose the draft of the Regulations? —It did. I have a copy of the Regulation which was subsequently passed by the Governor in Council. There were some objections made after Sir Thomas Munro's death, and it was never, in consequence, carried into effect. I can give your Lordships an account how this jury regulation commenced, if it is wished. Two Judges of the centre division, of the names of Newnham and Dacre, gave in a minute to the late Governor, Sir Thomas Munro, proposing the introduction of trial by native juries. The grounds were as follow:—To remedy the double inconvenience arising from the foreign origin of both English Judges and Mohamedan law officers, and to remove the niceties of the law, or rather scruples of the law officers in respect to evidence, and generally to facilitate the dispensation of criminal justice. So imperfect was the law itself (the Mohamedan law), and so

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utterly ignorant were the Mohamedans themselves of their own law under the Madras presidency, that it was found necessary to import Mohamedan law officers from Bengal, Hindostan, Oude, Surat, &c., into the Madras presidency, on the first establishment of the judicial code. Moreover, those Mohamedan law officers, so imported from Bengal, Hindostan, &c., laboured under the disadvantage of being totally ignorant of the local or vernacular tongues of the different provinces wherein they were employed; and it became necessary, in consequence, to interpret and translate into Persian the proceedings held in those languages for their use. The subsequent modifications of the Mohamedan law, introduced in the judicial code at the suggestion of the European Judges, almost superseded the Mohamedan law altogether; for instance, where a man was convicted of hav- seriously wounded, or of having robbed by open violence, the code of Regulations of the Madras government fixed the punishment. Of what use then, these gentlemen asked, was it to apply to the law officer for his scruples, that the court might overrule them? In cases where the punishment was not specified, or the offence not provided for, a reference might then be necessary to the law officer; not however for the fact, for that could be decided by the jury (for at present the Mohamedan law officers are judges both of the fact and of the law under the Madras presidency, and under the Bombay presidency they are merely the judges of the law), but as to the law itself (as an abstract question); consequently no necessity could exist for Persian translates of the record. Doubtful points of evidence might also be referred to the law officers. Juries would be no innovation; on the contrary, would approximate the administration during the native government, by Sabbahs, or convocations of their countrymen. The absurd objections to the evidence of police officers would no longer exist; the innocent would be secure from falling victims to false prosecutions; and the really guilty would find it more difficult to escape than at present. Such were, as I understood, the principal arguments of the two gentlemen above mentioned. Sir Thomas Munro's (the late Governor of Madras) arguments were, that the way to extend the knowledge of the people, and to elevate the native character, would be, by bringing them into contact with ourselves in every department, in order that they might perceive and understand the enlarged views of Europeans in all matters of government; that the natives themselves are much better able to trace facts and judge of the credibility of evidence than ourselves or Mohamedan law officers; that long experience had shewn how utterly unsuited the present system of criminal law was to the circumstances of the people, or wants of the country. He observed also on the absurd scruples of Mohamedan law officers; on the delays and waste of time in recording and translating evidence, and preparing trials for reference to the Foujdarry Adawlut (the superior court

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at the presidency). He further observed as to the superior competence of Judges presiding on trials over those of the Foujdarry Adawlut of the presidency, from the circumstance of the latter not seeing or hearing the evidence. He adverted to the objections raised by the Mohamedan law officers in regard to the inadmissibility of the evidence of police officers because in the pay of government, also of those of the inhabitants who were engaged in conflicts with offenders. All which, and other similar objections, would be obviated by trial by jury. Furthermore, he thought that public curiosity would be excited by native juries; that the courts would be crowded; and that the consequent presence of their countrymen would operate as a check upon jurymen being partial. The above views and opinions having been concurred in by the acting Governor, Mr. Græme, a reference was made to the Foujdarry Adawlut, by whom a revised Regulation for the trial by jury was submitted, on the 6th of September 1827, professedly as calculated to facilitate the operation of the jury system. The Judges, in re-transmitting it, observed that they had consulted several highly intelligent natives, who had given their readiest aid and much useful information to them. In their alterations of the draft of the Regulation sent them by government they raised the allowance to jurors from half to one rupee per day; observing that the difference of expense would not be worthy of consideration, compared to the saving in translating and in transcribing the proceedings, and in preparing and reporting upon referable trials to themselves. To that part of the Regulation that empowered the Foujdarry Adawlut to quash the verdict of a jury, they thought that a new trial was preferable; and that it would be better, in order to provide against unjust verdicts, that a sovereign power of pardon should be lodged in the Governor in Council. They concluded their observations by an opinion that, though the Regulation was not perfect, it would still, in its present form, work well in practice; and they had no doubt that trial by jury would be popular and successful beyond even the expectations of government. After Sir Thomas Munro's death, Sir George Walker, the Commander-in-Chief, and Mr. Ogilvie, third member of Council, expressed some doubts of the policy and expediency of the introduction of trial by jury. Sir George Walker observed, that punchayet arbitrations were such a decision as might have been come to by drawing straws, provided that neither party were bribed; that he himself had no confidence in the integrity of persons to be employed as jurors; and he did not conceive the character of the people would be raised by this mode of distributing justice. He concurred in Sir Thomas Munro's observations regarding Mohamedan law officers, and was at a loss to understand upon what principle such a personage was ever introduced. Mr. Ogilvie did not think the natives were morally fit to discharge the duty with integrity and impartiality. He apprehended that they would

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consider it a great inconvenience to be put upon juries, and that their caste prejudices might interfere; for instance, that Brahmins would not be convicted of any crime the punishment of which would expose them to infamy or degradation; also sectarism, such as the right-hand and left-hand castes. Notwithstanding which, he still thought that the proposed measure of trial by jury offered the most efficacious means of remedying the defects of the present system. Mr. Græme's (the second member of the Council) opinions were in entire accordance with Sir Thomas Munro's. After this, on the 11th of September 1827, a Regulation, No. X., A.D. 1827, "for the gradual introduction of trial by jury," was passed by the Governor in Council. Nothing appears to have been done until after Mr. Lushington's assuming charge of the government. In December 1827 he recorded his view of the jury regulation; in the course of which he observed, that the most remarkable feature was the precipitancy with which this great change in the administration had been introduced; that, in disregard of all the wholesome restraints of the Regulations, neither the provincial nor the Sudder courts had maturely examined and discussed the subject; and the Regulation had been passed in defiance of the Commander-in-Chief's earnest entreaty, that the Board would pause before it authorized a plan replete with so much mischief. Mr. Lushington thereupon proposed that a reference be made to all the judicial officers and the principal Collectors for their sentiments, until which were received the Regulation be suspended. Mr. Græme, second Member of Council, dissented from the above, and amongst other observations stated that the Judges of the Foujdarry Adawlut had expressed themselves decidedly in favour of the trial by jury. The Commander-in-Chief and Mr. Ogilvie approved of Mr. Lushington's proposition to take the opinion of the judicial officers generally; and, in consequence, references were made to the whole of them, and certain questions were circulated for their answers. Having shortly after this left India, what has since taken place I only know from report. With respect to my own sentiments, it has always appeared to me that the most powerful engine that could be devised to secure the popularity and permanency of our government in India, would be by the introduction of trial by jury. A large portion of the people would not only be introduced to a partial acquaintance with the laws, but self-importance and vanity would be gratified, by the notion that those who were engaged as jurors participated in the administration of the laws, and, consequently, in the support and management of public affairs. That this participation and this conviction (so long only, that is, as they maintained the character of integrity and impartiality) would be the means of instilling and rendering habitual to their minds more settled notions of rectitude than have hitherto prevailed. That the true merits of a case would be much better known by the natives

themselves than by ourselves, much less by Mohamedan law officers. Sentences would be much more popular, and even punishments more striking and exemplary, than they are under the present system. At all events, that this advantage would be gained, that if injustice is done, if the innocent do suffer, or the guilty do escape punishment, the odium would be transferred from ourselves to the natives themselves; and, though last not the least important consideration, the saving in judicial establishments, both European and native, in the whole of the courts of justice, would be considerable. 31 Mar. 1830. T. H. Baber, Esq.

The witness is directed to withdraw.

Ordered, That this Committee be adjourned to Friday next, one o'clock.

Die Veneris, 2° *Aprilis* 1830.

The LORD PRESIDENT in the Chair.

THOMAS HARVEY BABER, Esq. is called in, and makes the following statement:

3066. IF I had introduced the first trial by jury at the first quarter sessions A.D. 1828, as was designed by the acting Governor, I should have submitted a few alterations in the Regulation; but those alterations were not submitted to government, because of there being a stop put to the Regulation, as before mentioned. 2 April 1830. *T. H. Baber, Esq.*

3067. In what material particulars did you propose that any alteration should be made?—The 8th section of the Regulation in question provides, that, "immediately on the receipt of the Circuit Judge's precept, the Circuit Judge shall take by lot the names of the intended number of jurors; but in drawing the lots he shall exclude the names of all persons who had been summoned to serve on a jury at any time within two years, unless the required number cannot be otherwise obtained than by including them; so that no man, except in the case of necessity, shall be summoned to serve on a jury oftener than once in two years." My proposed modification would have been as follows:—Immediately on the receipt of the Circuit Judge's precept, the Criminal Judge shall select the intended number of jurors, with reference, as much as may be practicable, to the castes of the prisoners to be tried, with a view to counteract any undue bias from religious or caste prejudices for or against the prisoner, provided that no man, except in case of necessity, shall be summoned to serve on a jury oftener than once in two years. In the 20th section of the same Regulation it is provided, that

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"it shall not be requisite to reduce any of the evidence into the Persian language. In trials not referable to the Foujdarry Adawlut, the presiding Judge may dispense altogether with written depositions, and in lieu thereof place upon record his own notes of the evidence. In cases referable to the Court of Foujdarry Adawlut, the evidence for the present shall be taken down in the current language of the district; but a discretion is hereby vested in that court to dispense therewith, and to admit in lieu thereof the notes of the presiding Judge of Circuit, whenever they shall deem the same to be expedient." For which I proposed to substitute this: "The presiding Judge may dispense with written examinations, so far as to substitute in lieu thereof the substance of the evidence in the current language of the country, which shall be read over to the witnesses in open court, in order that its correctness may be ascertained in from themselves." In the 27th section it is provided, that, "should the Judge of Circuit consider the verdict not sufficiently specific, either with reference to the value of the property stolen, to any aggravation or other peculiar circumstances charged in the indictment, which under the Regulations of the Mohamedan law would affect the sentence to be pronounced, or should he deem the verdict otherwise defective, objectionable, or contrary to evidence, he shall remand the jury to amend their verdict, first explaining his reason for objecting to it; but if the jury persist in their verdict it shall be conclusive, unless a new trial shall be ordered, under section 29." My idea was to omit that part which commences with, "which under the Regulations or Mohamedan law would affect the sentence to be pronounced, or should he deem the verdict otherwise defective, objectionable, or contrary to the evidence." And also to omit the concluding part, beginning with, "but if the jury persist it shall be conclusive, unless a new trial shall be ordered, under section 29." Section 29 consequently called for considerable alteration. The original section stands thus: "If in any case the presiding Judge of Circuit shall be of opinion that the jury have returned a verdict contrary to the evidence, and the jury, after being remanded, persist in their verdict, the presiding Judge shall transmit an English translation of the proceedings held, or an authenticated copy of his own notes, according as the deposition may or may not have been recorded, to the Foujdarry Adawlut; and that court shall have power, provided they concur in his opinion, to order a new trial. The verdict of the second jury shall in all cases be final." My proposed alteration was to omit that part, "and the jury, after being remanded, persist in their verdict, the presiding Judge shall transmit," &c. &c., and to say, "the presiding Judge shall have the power to order a new trial." In sections 2, 4, 5, 6, 7, 13, 16, 31, 32, 33 (to be omitted altogether), and 34, there would be required some trifling alterations, but the above-mentioned are those of most importance.

3068. Had Mr. Ogilvie been employed in both the territorial and judicial lines?—I believe he had; but I am not acquainted with his history. I recollect his holding two situations; first, of Master of the Mint, and afterwards a Judge of the Sudder Adawlut.

3069. Do you know whether many persons who have been in the situation of slaves on the coast of Malabar have become proprietors of estates?—I believe there are two instances; but they are peculiar. Generally speaking, they are not permitted to hold land. Their owners lay claim to every thing that they do or may possess.

3070. Had you any opportunity of becoming acquainted with the inhabitants of any other part of Hindostan besides the district of Malabar?—Yes; the southern Mahratta country, lying between the Kisna and the Toongbudra rivers.

3071. Do you think that the natives of the Malabar coast were more strict observers of truth than the other inhabitants of Hindostan whom you had an opportunity of observing?—Certainly; decidedly so.

3072. To what cause do you attribute that?—To their keen sense of honour and high notions, and spirit of independence. An extraordinary instance of the former occurred in a trial which came before me. A female of the Nair caste had cohabited with a relation within what they call the prohibited degrees. The circumstance coming to the knowledge of their family, an application was made to me to punish the offending parties (both the man and the woman). I observed that the case was not provided for in the Regulations as a matter of criminal cognizance; that perhaps an action for damages might lie against the man, but that I saw no advantage that would result therefrom to the family. I therefore recommended to them to refer the matter to their own caste; observing that they had the power to expel the delinquents from their caste; that this was the only remedy I knew of or could suggest. They then petitioned me to have the parties taken up, and banished the country; they particularly requested that I would send them to his Highness the Rajah of Coorg, whose district adjoined that country. This I told them also was not in my power. The two seniors of the family, who had waited upon me, went away, evidently much dissatisfied. A few days afterwards a report reached me, from one of my police officers, that this man and woman had disappeared. I immediately set on foot an inquiry of what had become of them; and in my instructions to the police officers directed them to call before them particularly the two persons who had come before me as above. As soon as the two individuals in question heard of the inquiry the police officers were making, they went and delivered themselves up, acknowledging they had put them to death, and not therefore to annoy

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any other person on that account; that if there were any guilt, they were the guilty persons. The bodies of the man and woman were found horribly mangled. The proceedings of the inquest, together with the two prisoners, were forwarded to my court, when they acknowledged that they were the perpetrators of the murder; and then reminded me that they had appealed to my authority before to redress the family grievance, and thereby vindicate the family's honour; that I had not complied with their request, and therefore they had taken the law into their own hands. They were committed for trial, and sentenced by the Court of Quarter Session to be hanged. As usual, the trial was referred to the Foujdarry Adawlut, which court confirmed the sentence of death, and the warrant was returned shortly afterwards for carrying the same into execution. It was my province, as magistrate of that part of the country, to attend at the execution, in order to make those observations which would naturally occur to a magistrate on those awful sentences of the law. Both at the time that the prisoners were brought before me to have their sentence read, and afterwards at the gallows, the younger of the two brothers fainted away; when the elder encouraged him, by saying, "Be a man. Recollect by this act, for which we are now going to suffer, we have saved the honour of our family." This is one out of many instances I could mention of the extent to which the natives of Malabar carry their nice, though mistaken, notions of honour and of family pride.

3073. The mass of the people there are in general in wealthier circumstances than in many other parts of Hindostan, are they not?—Certainly, there is more appearance of comfort; but still they are in great distress, compared to what they used to be; owing, I conceive, to over-taxation. I know, indeed, that the revenues bear exceedingly hard upon them.

3074. Is not the rate of land assessment to which they are subjected lower than in most of the other parts of the Company's territories?—With reference to the nature of the land tenures in Malabar and Canara, perhaps it is. By those land tenures there exists an intermediate rank, which is not, I believe, the case in other parts of India. Besides the cultivator, there is a proprietor, as well as the government, to be satisfied out of the gross produce. Say it is tenfold: five or the half would go to the cultivator, out of which he has to subsist the slaves, to purchase the seed, implements of husbandry, cattle, &c. &c., and subsist himself and his family; of the remaining moiety, six-tenths, or rather three-fifths, go to the government; the remainder to the proprietor. But these three-fifths are nominal, arising from several causes; the two principal of which are, first, the great inequalities in the assessment, varying from twenty to one hundred per cent.; the other is the rate of conversion of the produce in kind to money, the government re-

ceiving none but money payments, which upon the average is fifty per cent. more than the current rates, or the market prices; so that in many cases not one-fifth remains to the proprietor. I have known indeed a great number of estates wherein, from failure for want of means of payment of the assessment, the government have dispossessed the proprietor; and that, after they have had it for years under their own management, the whole proceeds, after paying all charges, have been found insufficient to discharge the assessment. Some of those proprietors I have known; for they have been under my custody, as Judge of the Zillah court, sent there by the Collector; and some have been confined for years for the arrears so created. Proprietors also very generally mortgage their estates to the tenants, or others, when the interest of the mortgage amount is paid from or deducted by the tenant from the proportion of the rent which would otherwise have become due to the proprietor.

3075. In your evidence on a former day, you mentioned that you had known instances in which, when sales of land for arrears of revenue have taken place, they have not been sold for above one-fifth of their value?—I have.

3076. Did you mean their full value, supposing them to be unincumbered?—I meant the full value, subject of course to the incumbrance. I have a report from Sir Thomas Munro, in which he particularizes a certain number of estates (rice fields) which were sold as above-mentioned to satisfy a revenue of about nine huudred rupees, when their cost to the proprietor was upwards of four thousand.

3077. To what circumstance do you attribute their being so sold?—To over-assessment.

3078. What becomes of the proprietors of estates generally who have been so dispossessed?—They are thrown upon the world to exist as they can. Some of the first and most respectable men of the country are in that state of poverty at this present moment.

3079. Persons subject to no other imputation of misconduct than this misfortune which has devolved upon them?—Not the slightest. Your Lordships will, I trust, pardon a little enthusiasm, while pleading the cause of the inhabitants of Malabar. I have been placed in a variety of situations of very considerable peril during times of trouble. Often have I been opposed to persons in open rebellion, with no other defenders but Nairs, and invariably have I found them faithful, nay, devoted to me; and even have been killed and wounded by my side; and in in order to shield my person from danger, they have surrounded me, and forced me behind a tree. From a principle of gratitude, therefore, I am bound to speak with more than ordinary feeling of them.

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3080. Were those occasions where you were subject to attack from other Nairs?—Yes, and Mopillas. At times I have had no other defenders but the Nairs themselves.

3081. What proportion does the rent which accrues to government bear to the proprietor's share?—Fifty per cent. to the cultivator, out of which he has to provide stock, live and dead, and subsist the slaves. Of the other fifty, thirty to government, and twenty to the proprietor.

3082. In the province of Canara, you stated the rent of government at twenty-five per cent.?—Yes, of the gross produce.

3083. Did you mean to state, that after the government has got possession of the lands of proprietors, in default of payment to the government, it is the practice of the government to keep those proprietors in prison?—Of the Collector it was, for the deficit which may have accrued previously to dispossessing them, or which may have accrued after they were dispossessed, of which I have known several instances.

3084. Did you say for years?—Yes; perhaps for two or three years. I have now a petition (English translation) from some of those defaulters themselves, addressed to the court of Appeal while I was a Judge thereof.

3085. And after it had been ascertained that the lands were over-assessed?—Yes; I can adduce a correspondence with the Collector on the very subject, in which that fact is fully admitted.

3086. Were you in Malabar before the introduction of the monopoly of salt?—I was; and for years both before and afterwards.

3087. Can you state whether any salt was manufactured, and in what manner, previous to the monopoly?—There are what they call Ooppadana, (Anglicè, salt-pans,) all along and in a parallel line with the coast. The lands are overflowed by the sea; some of them are dammed up, into which the salt water is admitted, which, by the heat of the sun, being evaporated, leaves the salt residue.

3088. Was that a source of income to the proprietors previously?—Very considerable; the diminution of which is a source of great grievance to the inhabitants.

3089. Was any compensation made to the proprietors of salt?—Yes.

3090. To what extent?—Not by any means equal to what they enjoyed before the monopoly.

3091. Was more salt manufactured in the aggregate before the introduction of that monopoly than has been since?—Considerably. One reason is, that a great deal of foreign salt, from being more profitable to the government, has been imported from Goa, Bombay, Cutch, Mocha, and the Gulf.

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3092. Has the price of salt been enhanced in consequence of the monopoly?—From three hundred to four hundred per cent. in some parts of the country. I have known it stand the consumer perhaps as high as six hundred or seven hundred per cent.; but this and other grievances of the people I noticed in a memorial to the Honourable the Court of Directors in August last, which, if it is the pleasure of your Lordships, I can produce.

3093. Have you been in any situation in which you had an opportunity of observing the personal conduct of the Punchayets?—I have; particularly in the Southern Mahratta country.

3094. They acted under your immediate orders?—Not in my actual presence, but under my instructions.

3095. Was the conduct of those Punchayets generally satisfactory?—By no means.

3096. What was your objection?—Because not presided over by an European.

3097. Had you reason to doubt their integrity?—I believed them to be very corrupt, as Mahratta Brahmins generally are; but I believe it is in the power of an European, who will take the trouble to superintend them, to prevent any thing glaringly dishonest or grossly partial.

3098. Do you conceive, in the opinion given by Sir George Walker, that a decision by a Punchayet is equivalent to the drawing of straws?—No; I think he is labouring under a most unfortunate prejudice.

3099. What reason have you to suppose that their integrity would be greater when acting as a jury than when acting as a punchayet?—Because they would be selected and superintended by an European Judge, acquainted with their language, with their customs, with their characters, and whose very appearance would overawe them, provided that the presiding Judges were selected as they ought to be; that is, with reference to these indispensable qualifications.

3100. Do you think, in that case, any weight is due to the observation that a regard to caste would influence the verdicts, and that a Brahmin would never be convicted?—Not so universally, by any means, as alluded to. Nothing is more common than Brahmin witnesses against Brahmins; but in all my experience as an executive servant, for nearly thirty-two years, I have never had reason to suppose that they favoured each other more than any other caste; and if caste would not have that effect as witnesses, I do not see why it should as jurors.

3101. If there was any bias of this kind, do you think the decision by three-fourths of the jury, instead of the whole, would be sufficient to counteract it?—Certainly. The Regula-

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tion provides that nine out of twelve (twelve being impannelled) or three-fourths, shall be sufficient for a verdict of conviction.

3102. Have you any half-castes in that part of the country?—In Malabar and Canara, I imagine, there are altogether, perhaps, about 60,000 Christians, of which 10,000 may have been originally descended from Europeans, though not a twentieth part of that number carry any appearance of it in their complexions.

3103. Are there any of that description the children of Europeans?—Yes; about fifty or sixty, the offspring of British subjects.

3104. What is the character of persons of that class?—From the want of education, deserted by their fathers, and with no other protection than their mothers, it may be naturally supposed that they must be exceedingly indolent and immoral; the females, in general, follow the example of their mothers.

3105. Are the sons employed by the government?—Some of them.

3106. In what way?—As English writers, translators, and clerks in the public offices. Speaking of those that are employed, I should say that a more meritorious or trust-worthy set of men cannot be.

3107. Are they respected by the natives?—Those in public employ; but I imagine it is owing to that circumstance that they are respected.

3108. Do you think they might be admitted into situations higher and of more trust than those into which they are admitted at present?—Some few might, undoubtedly; some that I know are worthy of any confidence.

3109. They are generally Christians, are they not?—All of them; but chiefly Roman Catholics.

3110. Are they chiefly at the presidency, or dispersed about the country?—Christians are very numerous on the western coast, from Bombay to Cape Comorin; wherever there are European stations they are most numerous.

3111. Have any of them acquired property?—Yes; some few landed property also.

3112. You ascribe their immorality to want of education?—Yes; and their being deserted by their fathers, and left to the protection of persons totally unfit for the office.

3113. Are there no means adopted by the government for their benefit?—No. I myself established a seminary at Tellicherry (at one time I had more than a hundred youths), to which many natives, both Hindoos and Mohamedans, contributed. Some very good scholars were turned out; and as many

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as have been employed in public offices have done credit to the institution.

3114. The mothers are necessarily of low caste, are they not?—Generally; though some of them have been persons of high caste, but who have lost caste from their connexion with Europeans.

3115. Is there not a great number of native Christians?—There are about 10,000 in Malabar; and about 50,000 in Canara. Great part of them are descendants from Dutch, Danes, French, Portuguese, and the rest converts, chiefly from low castes, or persons of high caste who have lost caste.

3116. With regard to the native Christians, are there not some native Christians who have been established from a remote period?—Yes; in the provinces of Cochin and Travancore they may comprise about 100,000, Roman Catholics of Syrian origin included. About 1,000 are to the eastward of Cochin and Choughaut, in Malabar Proper; they are what are called Nestorians, or Syrian Christians.

3117. Are they an orderly well-regulated race?—They are, I believe, the best subjects the Travancore and Cochin rajahs have; they are the most industrious, moral, and obedient, and many of them, I believe, opulent.

3118. Have you known any instances of their emancipating slaves they have acquired by purchase?—I have known only a very few instances; they were by way of experiment, made by myself and Mr. Græme; I know of no other.

3119. Do you think the Christians an increasing body?—Not the native Christians, except the increase from the ordinary course of population.

3120. Not by conversions?—No such thing is known as a convert by any of our English missionaries. I have heard of such a thing, indeed, as a person who has forfeited his caste turning Christian, but otherwise it is a thing quite out of the range of possibility, and for a very good reason; they lose their civil rights, that is, their birthrights, immediately on becoming converts. They are disowned by their family, and, in fact, are looked upon as a degraded people.

3121. They are called Syrian Christians?—Yes.

3122. They have priests?—They have a metropolitan from Antioch. Their priests are called Catanars. A great number of corruptions had crept into their church, which have been reformed by the metropolitan, with the co-operation of the Reverend Mr. J. Fenn, formerly of Trinity College, Cambridge, and other gentlemen of the Church of England, sent out by the Church Missionary Society. The have done a great deal of good, also, in establishing parochial schools and an academical institution for the education of the Catanars, at a place called

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Cotym, in the heart of the Travancore country. I have understood that at one period their numbers were about 300,000.

3123. In the early part of your evidence, speaking of Malabar and Canara, you stated that four-fifths are Hindoos, and the remaining fifth chiefly Mohamedans, except 10,000 Christians?—Yes; and about 50,000 Christians in Canara besides.

3124. Can you state the number of Mohamedans?—I can, with respect to Malabar. There were about two hundred and forty-five thousand Mopillas, as given in a census taken two years ago; but not half that number in Canara.

3125. The whole population of the province of Malabar would be about a million and a quarter?—About 1,100,000 souls.

3126. How do you define the province of Malabar?—Malabar Proper is that pa t of the coast where the Maylayalum language is spoken purest; it is south of Canara; the northern boundary is Kagnyarote, and the southern Cochin.

3127. It is between the sea and the Ghauts?—Yes.

3128. That province is very thickly inhabited, is it not?—Yes; I imagine, about 120 to a square mile. The population has nearly doubled within the last thirty years. I think the population, when I went to Malabar first, was hardly 600,000; now, as I have before said, it is upwards of a million.

3129. To what do you attribute that?—The ordinary increase of population.

3130. By what law is it that native converts to Christianity are deprived of their civil rights?—The Hindoo law, as well as their own local customs, according to which the Company's courts are bound to regulate their decisions in matters of civil rights. The Mohamedan law is the criminal law of the land.

3131. You stated in a former part of your evidence that the Regulations of the Government have nearly superseded the Mohamedan code, did you not?—Yes; both as regards the scruples of the Mohamedan law officers, as before stated, and also as regards the law itself. For instance, a Mohamedan law officer in his futwah finding the prisoner guilty of robbery by open violence would, under a sentence of Hudd, adjudge him to suffer amputation of two limbs; this of course is not sanctioned by the British government, and is therefore commuted to imprisonment for fourteen years, at the rate of one limb for seven years. If convicted of kutl amd, or express murder, and kissaas, or retaliation, is barred, from failure of heirs to prosecute, or on account of prisoner's relationship to deceased, or the deceased being prisoner's slave, or any other ground of personal distinction and exception from the rules of natural justice, such objections are over-ruled. The distinctions by the Imams, as to the mode or instrument with which a murder is

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perpetrated are not to be adhered to; but the act is to be judged by the intention. When prisoners are convicted of homicide, and the law officer awards deyat, or price of blood, then the fine is commuted to imprisonment. There are other similar modifications.

3132. Are there many suttees in that part of the country?—None. In Canara there have been four or five to the best of my recollection, of the Cheetapauven Brahmin women, since 1815, but carried on in the most clandestine manner. In Malabar some attempts were made, in 1805 I think it was, by a description of Brahmins called the Paulgat Puttars. The Nairs came to the knowledge of it, and compelled the whole party over the river into the Coimbatore country. The Nairs hold sagamanum or concremation in great abomination. In Seringapatam two instances occurred, one in 1816, the other in 1819. In the southern Mahratta country they do occasionally occur, both by burning and burying alive.

3133. What is the disposition of property among the natives?—In Malabar and Canara, chiefly in the female line. If there are no direct heirs or sister's children, then to the maternal aunt's female descendants.

3134. There is no inducement held out for suttees in the disposition of property?—None whatever, I may say; it is a practice not tolerated on the western coast.

3135. Is there any thing in the disposition of property in the southern Mahratta country which encourages suttees?—No. I verily believe the inhabitants would readily aid and support government in abolishing it. I witnessed one particular instance myself of such a disposition in the Buljeewar caste. I was making a circuit of the country at the time the information came to me that a Thely, named Murthema, had died, and his widow, Deyvucky, was preparing for a suttee. Both the mamalutdar and zilladar of that part of the country had endeavoured to dissuade her, but in vain. I ordered them to prevent it, until I came there to see what I could do to dissuade the woman; and in the meantime dispatched another zilladar, a jungum, the same caste as this devoted widow, and also one of my principal Mohamedan revenue officers, named Goolam Hoossein, with letters to deceased's relations and all the jungums, wherein I used all the arguments I could to convince them of the sin of suicide. The result was, that owing to the co-operation and influence of the jungums, the woman was persuaded to give it up altogether. Three days afterwards, I received a letter from the woman, thanking me for my interference.

3136. Did she lose caste in consequence?—No.

3137. Had any gold been discovered in Coimbatore before you left India?—Yes; not only in Coimbatore, but throughout

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that tract of the country lying west and south of the Neelgherry mountains and Koondanad. I have often seen the whole process, and have purchased gold extracted before me.

3138. Is it found there in any quantities?—Yes. The whole of the country west of the Neelgherry mountains, in the taloogs of Parakameetil, especially at Nelliala, Cherangote, Koonyote, Kotah, Nambolacota, Daraloor, &c. &c., also the adjoining Koondanad and Gáat mountains, and all the rivers and cholas (watercourses) down as far west as Nellambore, and south-west as Caladicota, Karimpure, Aliparamba, &c., the whole tract, including the mountains, perhaps comprising 2,000 square miles, I may say, is impregnated with gold. Even the very stones in the beds of rivers, when pounded, have been found to contain particles of that valuable metal.

3139. Do you know whether any considerable quantity has yet been brought from that country, or in large pieces?—I have seen pieces perhaps weighing half-a-guinea; solid pieces, but generally it is in extremely small particles.

3140. Is it found in washing the sand of the river?—Yes, in all the rivers as far Nellambore, Karimpure, &c., as well as in the soil.

3141. Is the right of searching for it confined to the government, or to the proprietor of the land?—To the proprietor of the mountains and places where it is found, which are equally private property as the lowlands.

3142. Are there any establishments formed for the purpose of seeking for it?—None. The persons employed are the slaves of the proprietors.

3143. How long has it been known to be produced in this river?—As long as we have known any thing of Malabar. The process is, as your Lordships may suppose, with such people, extremely simple.

3144. How does it happen, if it is so abundant, that it has never been sought for on a greater scale?—Because the land belongs to individuals who are exceedingly jealous, and will allow no persons but themselves to dig for it. They probably extract as much gold as their means will enable them.

3145. Are the proprietors poor?—Generally very poor.

3146. Would it require capital to carry on this simple process?—Some capital, certainly; but unfortunately that part of the country is so very unhealthy that few strangers could stand the climate.

3147. Is there any gold on the Neelgherry hills?—Some was brought to me from about halfway up the western hills, by the koties, potters, and basket-makers.

3148. The climate of the Neelgherry hills is very good, is it

not?—It is perhaps the finest in the world. The thermometer ranged from about 50° to 55° during the time I was there.

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3149. Have the agents of the Company ever been instructed to make an attempt to establish a more extensive search for it (the gold)?—Never. The government derive a revenue from the pattees, or the trays in which the gold is washed. Each pattee pays so much per annum; I forget the amount, but I know it is a very few rupees.

3150. Have you any notion of the quantity that has been found; is there any account of that?—No, I have not; and the people themselves are very averse to give any information. They naturally suppose that our object, in all inquiries of this kind, is to raise our demands upon them.

3151. Are not the government aware of the amount?—No; they merely lay an assessment on the pattees or trays employed.

3152. It has no reference to the actual quantity of gold produced?—Not that I am aware of. The revenue, I believe, is merely nominal; merely an acknowledgment.

3153. You said that gold dust was imported from Arabia?—Yes; and from the Gulf also.

3154. Are there any mines in Malabar?—Those are the only mines I am aware of. They dig sometimes very deep; but from want of machinery have no means of going on, not being able to prop up the superincumbent ground.

3155. Have they ever found this gold in very large masses?—The deeper they go the larger the particles are, generally.

3156. Have they ever pursued any vein of it?—No; but there is not a part of the country where they can dig that they do not find it, in larger or smaller quantities. The largest quantity is found during the monsoon, being washed down the hills by the torrents of rain at that season.

3157. Would the proprietors of land be indisposed to let their lands for the purpose of permitting the gold to be got?—They would be very glad to sell their land.

3158. Would they be glad to sell it at such a reasonable rate as would make it worth the while of persons of capital to take it?—I am sure they would.

3159. Are there any difficulties arising from the Regulations of the Company that preclude such an arrangement?—On the part of Europeans, undoubtedly. No European is allowed to go into the interior without special permission.

3160. Are there any difficulties that regard the natives?—Yes; the nature of the climate. Whenever I have been there myself I have experienced the ill effects of it.

3161. And this physical obstacle would therefore apply to Europeans?—Not perhaps to that extent it would to natives,

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owing probably to their difference of living. I think Europeans would have a better chance of their health than natives.

3162. Have the Company endeavoured to search for it on their own account?—Never, that I know of.

3163. Was it part of your duty to suggest to them things of that kind when you were there?—I think I did write on the subject to my superior, when I was in charge of Wynând, in 1805-6; but I was a subordinate officer at the time. I think my suggestion was to have some scientific persons sent to explore that part of the country.

3164. Was any thing done upon that?—No.

3165. You are not aware that the Company have taken any steps to see whether they can increase the production?—No. I am pretty certain they have not.

3166. Do you think that has been prevented by the extreme jealousy of the people on the subject?—I rather think the government have never turned their mind to the subject; the income derived is so trifling, it was not perhaps of sufficient consequence to attract their observation.

3167. What is the character of slavery in Malabar?—They are absolute property, as much as the cattle upon a man's estate; they are bought and sold in the same way. A slave generally sells from five rupees to about twenty, or about ten shillings to forty shillings; when leased out, the usual patom or rent is four fanams, which is about two shillings a year. I could give a list of the several castes comprising the whole of the slave population. There are upwards of 100,000 of them in Malabar alone, and they are in that abject degraded state, that it is matter of astonishment that no legislative provisions have been enacted to improve their condition. The very appearance of them, particularly those in the eastern and south-east parts, bespeaks their wretchedness. Small in stature, spare arms and legs, with large stomachs, in fact more like baboons than men. Perhaps there is no person who has had the opportunity I have had of seeing and knowing these unhappy creatures.

3168. How are they dressed?—In the most retired parts of the country, with nothing but a plantain leaf tied round their waists; in the more open and cultivated parts, a waist cloth, perhaps about three feet in length and about a foot broad, secured by a knot in front.

3169. In what kind of labour are they more generally employed?—Agriculture; never as domestic servants. They are not allowed to come within a certain distance of several of the Hindoo tribes, or their houses. Mopillas employ them occasionally in domestic labour.

3170. But the Hindoos never?—Never.

3171. Are they all natives of the soil, or are any imported?—

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There are none imported now, I believe. There were some imported from Travancore and Cochin, or rather kidnapped; many of them free-born children, stolen during the night-time. Many of them I discovered on the plantation of a native-born British subject.

3172. Was he convicted of having kidnapped those slaves?—No, though he ought to have been. His agents, that is, persons in his employ, were brought to trial, and I think discharged in consequence of some scruples on the part of the Mohamedan law officer.

3173. Did it appear that he was cognizant of their having been kidnapped?—The Resident of Travancore, Colonel Munro, sent me a letter, which this same British subject had written to him, soliciting his (the Resident's) protection of his (the writer's) agent, who had been taken up in Travancore for this very act, and requesting he would obtain his release on whatever terms might appear to him reasonable. This letter, and all the correspondence it gave rise to, I can produce, if it is your Lordships' pleasure.

3174. What became of the children?—I sent the whole of them back to their parents, for which I received, through the British Resident, the thanks of the government of Travancore.

3175. Can you speak as to the character of slavery in any other part of the district?—In Canara, Malabar, Coorg, Wynand, Cochin, and Travancore, it is of the same description, and perhaps the whole slave population amounts to 400,000 souls.

3176. Is their condition, as far as you have had occasion to observe, much the same throughout all that range of country?—I think in Canara the landholders treat their slaves better than they do in Malabar, from the circumstance of the landholders being better farmers and in better circumstances.

3177. In fact, the effect of the very heavy demands of the government from the landholders falls on the slaves?—To a certain extent, certainly; as far, that is, as impoverishing their proprietors.

3178. That causes them to exact more severe labour?—It is not on account of the labour they exact, but that they do not subsist them as they ought to do. Often may they be seen in the wildest part of the forests and mountains, digging for wild yams for their very subsistence.

3179. They are quite a different race from the other inhabitants of the country?—Quite different.

3180. Is there not some idea that they were the aborigines of the country?—They are supposed to have been the aborigines of the country. Their history, which, like all the other Indian stories, is wrapped up in fable, is as follows: Srb Parasu Rama was incarnated to destroy the rajahs (Kheterees), then op-

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pressing the earth. After twenty-one different battles, he slew them all. To expiate which, it being a great sin to slay heroes, called virahatirju dosham, he went to Gokernum, and having there performed sacrifices, and prostrated himself to Varuna, he made the ocean retire, and thus created 160 kadums of land.* He then went and brought the Arya Brahmins of the sixty-four grams, and to induce them to remain he went in search of the wild people who inhabited the forests and mountains, collected them, and presented them to the Brahmins as adiars, or slaves, since which period they have been considered as jelm property equally with the soil itself.

3181. What is the state of cultivation in Canara; is it fertile?—Certainly. I think they are much better farmers there than in Malabar; they take more pains to improve the soil than they do there. In Canara leaves are strewed over their fields, and then ploughed up. This is the general mode of manuring.

The witness is directed to withdraw.

Ordered, That this Committee be adjourned to Tuesday next, one o'clock.

Die Martiis, 6° Aprilis 1830.

The LORD PRESIDENT in the Chair.

THOMAS HARVEY BABER, Esq. is called in, and further examined as follows:

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3182. WAS there not a monopoly of tobacco established in Malabar?—There was, and is still.

3183. In what year was that established?—I think it was in the year 1806. It was a year or two previous to the Regulation having been passed legalizing it.

3184. Were you in Malabar previous to the imposition of that monopoly?—I was, for some years.

3185. Can you judge of the effects it had upon the people, as to the price of tobacco, and as to the oppressions which grew out of it?—It has been one of the principal subjects of complaint from the time of its first institution up to the present day. The monopoly in the first instance raised the price from three to four hundred per cent., and, owing to the abuses in the management, often to from seven to eight hundred per cent., to the consumer.

3186. Is tobacco an article in much use amongst the people in Malabar?—Universally. It is a necessary of life in that country.

* The tract of country lying between Gokernum and Kanya Kumari (Cape Comorin).

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3187. Is it grown in Malabar?—A very little in the mountains; but the cultivation is prohibited, except in a very few instances.

3188. Is the consequence of monopoly to introduce much smuggling?—Yes; and with it its concomitant evils, a great deal of crime. The smugglers, in bodies from fifty to an hundred, often assemble, and plunder wherever they go, and have been known to overpower the police. In Coimbatore, where they go to bring the tobacco, very great enormities have also been committed. I can read to your Lordships a short paper upon the subject, which will give a full insight into these things. It was introduced in a memorial I addressed to the Court of Directors in August last, after my return to this country. "Tobacco monopoly abuses.—The complaints on the tobacco and salt monopolies were first noticed by me in my report dated 28th December 1808. The subject was repeated at every new abuse, and at length attracted the notice of Sir Thomas Munro and Mr. Commissioner Græme. Not only had the people to pay the Company's monopoly price, which was about four hundred per cent. upon the selling price when the monopoly was first introduced, but the additional profit put on by the retailers, besides cheating by means of false weights, watering, &c. Mr. Reid, the second Judge of the Provincial Court in the southern division, and the Judges of the Sudder Adawlut, also took up the subject; and in consequence, after long discussions, the monopoly price was reduced, in February 1816, from 228 to 175 rupees per candy; and the then Collector (Mr. Vaughan) in the same year reported that it was not unfrequently sold at 200 per cent. on the monopoly price (R. $175 \times 3 = 525$ per candy), or more than 800 per cent. upon the selling price to the consumer when the monopoly was first introduced. Nor were the tobacco-grower's grievances inferior to the consumer's, owing to the overgrown influence of one Cassee Chitty, the late Collector Mr. William Garrow's confidential servant in Coimbatore; in consequence of which the ryots got but a moiety of what the government ordered them to be paid for their tobacco (R. 24 per candy), and on this account alone sustained a total loss in four years (as reported by the Commissioners, Sir Thomas Munro and Mr. John Sullivan), of 4,55,000 rupees; and Mr. Sullivan has further shewn, in his report to the Board of Revenue, that the people of Coimbatore have just cause of complaint against government, for their interference in their cultivation and disposal of tobacco, after having permanently fixed the land assessments; and he observes, that 'to make free markets, free prices, and unrestricted cultivation the data for assessing lands, and then to shut the markets, regulate the prices, and restrict the cultivation, was surely to trench upon private rights and to violate public faith;' and every Circuit Judge has noticed the scenes of bloodshed and rapine which

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follow the steps of the numerous banditties of tobacco smugglers. Mr. Sullivan reported the burning and plunder of villages where the ryots refused to sell their tobacco to smugglers, not an unfrequent attendant upon smuggling; and Mr. Commissioner Greme has noticed, 'that the present system augments the duties of the collectors, magistrates, and courts of justice, inasmuch as it raises a host of smugglers, and consequently an increase of crime and frauds without end amongst the native servants.'"

3189. Have any orders at any time been issued to compel the sale of tobacco among the people of Malabar? – Tobacco, as I have stated, is a necessary of life in a humid climate like Malabar. I have seen orders issued by the present principal Collector to his native servants, ordering them, under peril of dismissal from their offices, to sell a certain specified quantity. I have three of those orders. They are in the original language. I will read them in English.

3190. What is their date?—1827.

3191. Will you read the first of them?—"The order from the principal Collector, Mr. Sheffield, to the Tehsildar of the Nedungaad Talook. Your report of tobacco sales in you talook, from the first to the sixteenth of Meenam, gives but eighteen tulams; whereas five candies ought to be sold every month in your talook. I now warn you, therefore, that if your sales fall short of that quantity, you shall certainly be dismissed from your present situation, as I before warned you. Dated the Malabar year 1002, 18th of Meenam; corresponding with the 29th of March, Anno Domini 1827."

3192. What measures were the consequence of such orders? —A very considerable augmentation in the sales. The Board of Revenue reported on the 2d August, that Mr. Sheffield's system was working with extraordinary success, having in four months produced an increase of about twenty-eight thousand rupees. I did hear that in the whole twelve months the increase was about a lac of rupees.

3193. How was that increase produced?—I have heard that tobacco was forced upon the people in some instances.

3194. In what manner could it be forced upon the people?—By compelling them to take it. I have heard of its being left at their very houses; and I believe the fact to be true.

3195. Was that supported by a suspicion of contraband tobacco in the people's houses?—I never heard of such a suspicion.

3196. Can you state more precisely the means of compulsion which were used to force the people to take the tobacco, and how the price of the purchase was repaid?—I did hear that it

was repaid at the time the kists, or revenue instalments, were collected.

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3197. In what manner is the salt purchased from the manufacturers measured on the receipt, and in what manner is it measured on the sale?—I will read an extract from my paper given in to the Court of Directors in August last. "With respect to the salt monopoly, the people have been as loud in their complaints as against the tobacco monopoly; and believing as I did, and still do, in the truth of their representations, I brought them to the notice of government, pursuant to repeated orders of government. That it was undoubtedly, as a servant to the Honourable Company, my duty to do so, in order that measures might be employed for remedying the abuses which existed, and for avoiding the evils which I apprehended." (Those evils I apprehended were, that the people would be again driven into rebellion; such instances of commotions having unfortunately before existed in Malabar and Wynaâd.) "These complaints were, first, that many were prohibited from manufacturing salt, and thereby their lands which had cost them large sums of money, were rendered useless to their owners, as they would yield no other produce. The extensive suppression of salt-pans, both in Malabar and Canara, is a source of great grievance, both to the proprietors and actual manufacturers, who, 'to the number of 6,438 in Malabar alone,' (as reported by Mr. Commissioner Græme, in his letter to the Board of Revenue, dated the 31st of August 1820), 'were thrown out of a lucrative subsistence; and the compensation (which was not paid for years, and sometimes not at all, as set forth in petitions presented to myself,) was very inadequate.' This, 'tis true, the proprietors in some measure brought upon themselves; but as Mr. Græme says, the collector disguised the design with which he called for a return of their profits; and they, in return, concealed their resources; and it would be rather severe to inflict a permanent punishment on them for this offence. In lieu of this annual compensation, Mr. Græme recommended the purchase of the privilege of manufacture, or in other words the fee-simple of the salt-pans. It should also be borne in mind that the suppression of the salt-pans is not provided for in the Salt Monopoly Regulations of 1807. On the contrary, a particular distinction is made in favour of the inhabitants of Malabar, who are to be at liberty to carry on the manufacture, under the penalty of confiscation of the salt, and of a large fine, for selling to any other but the officers of government. Secondly, the great difference in the measurement, in the receipt or purchase from those who are allowed to manufacture, and in the issue or sale which was represented in specific complaints" (which I forwarded to government on the 3d of December 1814) "to amount to a reduction in quantity of one-half, partly caused by the operation of pressing down, and partly by a subsequent deduction of two

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in ten over and above such unfair measurement; while in the issue or sale no such allowance was made to the retailer or purchaser. This difference, Sir Thomas Munro ascertained by an actual inspection, was thirty-four and a half per cent. to the purchaser, and fifty-three per cent. to Bunjarees, or foreign purchasers. The then collector, in his return to my precept dated 11th of December 1811, (in cause No. 1,160 on the file,) himself admitted that it amounted to forty per cent.; *viz.*, twenty on the salt deliveries by the manufacturers on account of wastage, and twenty more in the difference of measurement in the receipt and retail of salt. Thirdly, the additional price put on by the retailers, besides other numerous frauds, which enhanced the price to the consumer from one to several hundred per cent., according to the distance from the salt depôts, which are all on the coast; and both in the tobacco and salt monopolies the employment of European agents (exclusive of the Company's covenanted servants) is felt as a very great hardship, especially by those who have suffered most by the institution of these monopolies. Ever since the year 1808, (vide my letter to the Honourable the Governor of Madras dated 28th December 1808,) I have constantly noticed the injury to our native subjects by this preference in Malabar; and in the last paragraph of my letter to government, dated 8th April 1828, I mentioned one individual (Mr. Johnson, a partner in the firm of Messrs. Shotton and Co., Bombay), who had no less than four contracts; *viz.* for the supply of tobacco to government, for the consumption of Canara for three years (about 1,300 candies annually); for importing Goa salt into Canara (about 600 candies); for supplying the Lacadive islanders with rice; and for carrying these articles from one part of Canara to another. It may be argued that it is safer to trust Europeans than natives with these exclusive privileges; but I am of a very different opinion. I know, indeed, that the tobacco imported by Mr. Johnson is of a very inferior quality to what it used to be, and what the people have a right to expect; and it will be obvious that the same profit which would make it worth the while of any European to speculate in these contracts would afford a provision for hundreds of natives, and who, from having suffered by these monopolies, have by far greater claims upon us than our own countrymen, who have numerous modes of gaining a livelihood, from which the natives must, for various reasons, be for ever shut out."

3198. In what manner is the salt measured when it is purchased for the government?—What alteration has taken place since the period that I was a magistrate I cannot say; but at the time I was in authority, and had opportunities of knowing those things, the custom was to press it down by the hands and feet in the parah (a large wooden measure); while in the issue it was piled up as light as could be; by which means there was, I imagine, a difference of at least twenty per cent. Another

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twenty per cent. was taken from the manufacturers; thus, for every 1,000 dungallees 1,200 were required.

3199. Was the same allowance made on sale as on purchase?—It was not.

3200. Was the injustice of this manner of purchase and sale noticed by Sir Thomas Munro?—It was. I can give the date; *viz.* para. 49, in his letter to the Chief Secretary to the Madras government, dated 4th July 1817.

3201. Was there not, during the period of your residence in Malabar, a monopoly of timber?—There was both of the timber and of the forests, which were taken possession of by the government.

3202. Did that monopoly extend not only to the forests, but to timber in the gardens and fields of the several proprietors?—It was not, I imagine, so intended in the first instance; but the conservator, the officer whose province it was to superintend the monopoly, extended it to timber grown in gardens; but I believe it was that officer's own act. Great complaints were frequently made, but I never heard of any redress, until Sir Thomas Munro abolished the monopoly altogether. This, I think, was in 1823.

3203. During that time was the price of timber much raised, so as to stop shipbuilding on the coast of Malabar?—It was not procurable on any terms. The Company took the whole quantity, except what was called the refuse, which was of little use in shipbuilding.

3204. Was shipbuilding stopped on the coast of Malabar in consequence?—Entirely. I have seen applications from the principal shipbuilders to the conservator of the forests and to the government, to sell to them, or to be allowed to purchase, timber to build and repair their vessels. They offered to purchase at any price.

3205. Since the monopoly was taken off, has shipbuilding improved?—Yes; four or five vessels have been built, or are building.

3206. Is there not also a monopoly of cardamums?—The cardamum farm is annually given to the highest bidder, the proprietor receiving a portion, nominally half the produce, but really not a third.

3207. Is the proprietor compelled to sell them?—He is obliged to deliver them to the farmer; the person, that is, who contracts for the produce.

3208. Is there a similar monopoly with respect to arrack and toddy?—There is; the toddy is the juice of the cocoa-nut, and arrack is a distillation from the toddy.

3209. Are those monopolies merely confined to the Com-

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pany's territories, or do they extend to any of the independent states?—I do not know of any what I understand by independent states. There are the territories of the Rajahs of Mysore, Coorg, Travancore, and Cochin; but they are controuled by British residents.

3210. Do you not consider the territory of Cananore as independent?—Certainly not. The Beebee of Cananore has a small tract of land, five or six deshams, in the vicinity of Cananore, and also the Lacadive Islands, for which she pays an annual sum, about 10,000 rupees, to the government; but she has not a particle of authority; she merely collects the revenues, that is, the government share of the land rent.

3211. Are those monopolies introduced into her territories?—They are.

3212. Is that by treaty?—No; and has in consequence been, and still is, one of her complaints, as set forth in a petition I was the bearer of from the Beebee of Cananore to the Honourable Court of Directors.

3213. What are the transit duties in the province of Malabar?—Internally there are no transit duties that I know of; but passing into another province there are. The frontier duties are farmed out.

3214. In what manner are the duties farmed out?—To the highest bidder.

3215. Are they fixed duties, or are they very much under the control of the contractor?—In Malabar and Canara there are certain defined rates; but in the southern Mahratta country, while I was in authority, they were farmed also to the highest bidder. But the rates were quite arbitrary; sometimes portions of the country were farmed out to different contractors, who sublet portions again to others; nothing is defined; it is left almost wholly, I may say, to the contractors themselves. There being a variety of sub-renters, a kind of competition is caused amongst them, by holding out inducements to the merchants to go through their part of the country.

3216. If there are three roads from one place to another on which transit duties may be levied, is there a competition amongst the contractors or sub-renters to get them to come that road?—Yes. As they collect the duty without reference to the commodity or its value, but by the number of head of cattle (all merchandize being transported by bullocks,) owing to the contending interests of the renters, they do all in their power to get the merchants to come by their respective chokies or stations. I should add, that, besides these duties, the people are subject to hereditary imposts, called russooms, claimed by particular families.

3217. Is the effect of this competition to lower or raise the

duty?—The effect of all competition is rather to reduce; it will have the same effect naturally there.

3218. What is the state of the government forests since the cessation of the government monopoly?—The forests were given up wholly to the proprietors.

3219. Are there no forests belonging to the government now?—In the northern part of Canara, that is, from the Subramanny Pagoda, east of Mangalore, there are; all the forests to the eastward, or on the Ghaut mountains, are the property of the government; I never, at least, heard of any individuals laying claim to them. But the whole tract of forests south of Subramanny is claimed, and I have no doubt is the property of private individuals. I have seen many of these title deeds upwards of a century old.

3220. The reason for the monopoly originally was, that the timber might be supplied at a lower rate to the dock-yard at Bombay?—The ostensible reason given in the first proclamation by the principal Collector of Malabar, dated 18th July 1806, stated, "That the Honourable Company had occasion for teak trees for the purpose of building ships, and therefore the government had resolved to grant a monopoly to one Chowakkara Moosa, in order that it might be furnished with the trees it wanted at a low price," &c. The subsequent proclamation by the Madras government, dated 25th April 1807, announced "the assumption, in pursuance of orders from the Honourable Court of Directors, of the sovereignty of the forests in the provinces of Malabar and Canara."

3221. Was timber cheaper in consequence of that monopoly at Bombay than it is at present?—I rather think the price was considerably enhanced to what it was before the monopoly, owing to the expense of the conservator's establishment.

3222. Was the conservator sent by the government of Bombay, or by the Governor of Madras?—By the Governor of Bombay; the forests were re-transferred to Bombay by orders from the Court of Directors.

3223. There was no survey originally of the forests?—There never was. I beg to refer your Lordships to a very able minute, one of the documents published in Sir Thomas Munro's Life, containing full information on this subject.

3224. Is the cultivation of tobacco prohibited in Malabar?—Very little at any time was cultivated, and that confined to the mountains of Wynaâd; a few individuals among those mountaineers have, I believe, obtained permission to cultivate a small quantity for their own immediate consumption.

3225. It cannot be cultivated without permission?—No.

3226. Is the soil suited to the cultivation of it?—Yes; throughout the mountainous region of Wynaâd. This tract is

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situate between the upper country of Mysore and Malabar; it is the same country I mentioned where the gold mines were.

3227. Is the monopoly of tobacco universal throughout the Company's dominions in India?—In districts where it is not grown, it is, I believe; where it is grown, arrangements are made with the growers to deliver the produce for exportation to government. Not having had charge of those districts, I am not able to speak positively in respect to them, further than as far as I have referred to in Mr. Sullivan's reports on the subject.

3228. From whence does the tobacco come which is brought into Malabar?—The adjoining province of Coimbatore.

3229. Are there greater difficulties imposed on the cultivation in Malabar than in the adjoining province of Coimbatore?—It was prohibited altogether, with the exception of a few individuals, in Wynaâd; and I believe in Coimbatore they can cultivate it only under licences, and that they are obliged to sell what is exported to the government.

3230. If any person was at liberty to cultivate tobacco in Malabar, without restriction, would the quantity be increased?—Certainly; but it would not be nearly sufficient for the consumption of the province. They have always drawn their supplies from Coimbatore.

3231. Are there no other sources from whence Malabar is supplied with tobacco but the province of Coimbatore?—None that I know of. I believe that a small quantity is occasionally smuggled from Mysore, and also brought in vessels from Bengal; but there is a very high penalty, if discovered.

3232. Are the Company the only purchasers of tobacco, whether raised in Malabar or Coimbatore?—The exclusive purchasers, to the extent I have stated.

3233. And they put what price they please upon it, without reference to the expence of cultivation or the means of the people who want to buy it?—I can only judge of the effects of the system; monopoly, that is. Not having been employed in making the settlement with the growers, I cannot tell the principles on which it was made; but from the effect of it in Coimbatore, as reported by Mr. Sullivan, I should certainly say that the people had cause of complaint.

3234. Are cardamums used in Malabar by the natives?—In very small quantities. I do not believe that one-hundredth part of the produce is consumed in the country.

3235. The soil and climate are suited to the production?—I believe the Ghaut mountains of Malabar and Coorg is the only part of India where it is produced.

3236. What is the nature of the prohibition which exists with respect to cardamums; is it as to the cultivation, or the

sale?—The growers are obliged to give the whole produce to the government contractor.

3237. May any persons cultivate it?—Any persons who own that description of land. It is not propagated from seed; it is indigenous. It is produced in the recesses of the mountain forests, by felling trees, and afterwards burning those trees. Where the tree has fallen in the openings or fissures, that is, in the soil, the cardamum plants make their appearance. The only manure is the burning of those trees. In Soonda Balagat there are plantations of cardamums, but the fruit (berry, that is,) is very inferior to the natural production.

3238. The main expence of the cultivation is the cutting down the trees and burning them?—Yes; and guarding against squirrels, rats, and other vermin.

3239. Is it a shrub?—Yes; it is a species of bulbous plant, and grows three or four feet high.

3240. Are the forests in which it is found public or private property?—Wholly private property. There may be a few forests which have escheated to government; but I believe they have all now been given up to the original proprietors; such portion, that is, that had escheated to the government through the rebellion of the proprietors.

3241. They do not allow the persons to whom the property belongs to sell the cardamums to any person who chooses to buy it?—No; they are obliged to give it to the contractor.

3242. Are those lands liable to the land assessment?—Not those tracts occupied by the cardamums. Other spots cultivated with dry grain and cotton are assessed to the revenue; all other hill products are farmed out.

3243. What is the price of a certain quantity of cardamums? —I should say the market price averages from 800 to 1,000 rupees the candy of 640 pounds avoirdupois.

3244. Is that the price they generally give to the grower? —No.

3245. What do they give him?—At the rate of from 550 to 700 rupees; though they are often, particularly the mountaineers called Coorchers, Kadar, &c. left at the mercy of the contractor, who puts an enhanced value on the coins he pays them, or makes them take tobacco, cloths, salt, oil, betel-nut, and such necessary articles. I have known Arab merchants, and merchants from the Gulf, Sind, &c. pay 1,200 rupees for the candy to the coast merchant; but then there is an export duty to pay out of it.

3246. Is it the practice in Malabar to impress persons on the part of government as coolies?—It is; and a most intolerable grievance it is.

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3247. For what purpose are they impressed?—To serve as porters to marching regiments, detachments, and all European travellers.

3248. Is that a practice confined to Malabar, or does it extend to other parts of India?—I believe it is universal; wherever I have been it exists.

3249. What compensation is made to them for their labour? —They vary, at the discretion of the local officers of government. Often men who never carried burthens in their lives have been pressed. I have known them seized and confined, sometimes for days, before the detachment or the regiment arrived at the station where they were required. This also formed one of the subjects of my representation to the Court of Directors in August last.

3250. By whose authority was that done?—The commanding officer of the regiment; and individual travellers make requisitions on the local authorities for the number of coolies they require. They issue their orders to the native servants generally.

3251. Is the Collector authorized by any superior authority to take any person that he chooses for these purposes?—Certainly not; it is an abuse. There are orders from the government to assist regiments, detachments, &c.; but certainly not to use any thing like coercion.

3252. So that any Collectors who have so acted have gone beyond their authority?—I do not say that they have actually authorized such acts of violence; but their servants have.

3253. Do you conceive them to be aware that the servants carry their orders into execution in the manner they do?—I have myself repeatedly brought the subject to their notice; and certainly the full measure of redress has not been afforded. I have too often observed a disposition to take the servants' part; though I have myself witnessed these and other atrocities committed by marching detachments. I have seen houses that had been unroofed for the sake of the thatch, as fodder for the cattle. I have known of parties of sepoys going into houses and carrying away rice, fowls, butter, and other articles laid in by the inhabitants for their domestic use.

3254. Is not the commanding officer of a regiment particularly enjoined to specify to the Collector of the district the day on which his regiment will reach certain stations?—He is.

3255. Is he careless in executing that duty?—I believe it is always done; but from a variety of circumstances there may be delays, such as rivers coming down, which commanding officers cannot possibly foresee. The native servants are obliged in many parts of the country, days before the detachments arrive, to send out their kolcars or peons to press the inhabitants; for

as soon as it comes to their knowledge that detatchments or Europeans are on the road, they invariably run away and hide themselves. 6 April 1830. — T. H. Baber, Esq.

3256. Have you known any instances of resistance to those oppressions?—Very frequently; so far, that is, as running away, and occasionally contests with the public servants.

3257. Do the coolies receive a remuneration for their services?—They do.

3258. How are they paid?—Merely for the trip, without reference to the number of days they may have been coming from their homes, or waiting the arrival of the troops, or required to return to their homes.

3259. What proportion does it bear to the wages of labour in the country?—They are the generally established rates; the orders from the Collector to his servants are to provide them at the established rates; but there are very few people in the interior who can really be called porters; that is, who are willing to carry burdens; they are the peasantry, and consequently cultivators or artificers.

3260. There is a common rate of labour?—At the European stations; but there is nothing of the kind among the people themselves, but the wages of agriculture, &c.

3261. Is the use of tobacco general throughout India?—As far as I know of India. On the western coast it is a necessary of life; so much so, that slaves, if they do not receive tabacco with their rice, will run away from their masters.

3262. Where is it grown?—In the whole of the Carnatic, I believe; chiefly in the districts of Salem and Coimbatore; also in Mysore, Tanjore, Trichinopoly, Madura, and Tinivelly. Of Bengal or Bombay I am not competent to speak with certainty, excepting the Southern Mahratta country, where tobacco is grown in small quantities.

3263. Do you know any thing of the quality of it, as compared with the American tobacco?—All I can say is, that on the western coast the Coimbatore is preferred to any other tobacco.

3264. Have they the choice of any other?—They had, before the monopoly; but I never heard that they used it. It is the same with salt; which, though inferior to other salt, they always prefer to foreign salt, which I believe makes them ill.

3265. You mean to say that their preference is no proof of its excellence?—No. I know no other reason for their preferring it.

3266. You do not know any thing of its comparative excellence, as compared with that in America?—No.

3267. Is it grown in such quantities as to render it an article

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of export to this country, if required?—I believe its cultivation might be carried to any extent, with due encouragement on the part of government.

3268. Where are the cardamums exported to; where is their principal consumption?—To this country; to all the ports in India, Arabia, and the Red Sea; I have heard of Mahomed Ally Pasha's ships taking large quantities; the Persian Gulf, Bombay, and to all the ports north of it; and to Sind, &c. up the Indus.

3269. Do you think more attention would be paid to the cultivation or collection of it if the trade was free?—Undoubtedly.

3270. So that an additional value would be given to the land where it grows?—That would be the natural consequence.

3271. Are there any silk establishments in the part of the country with which you are acquainted?—Not where I have been in authority. I introduced one myself while I was at Dharwar, which succeeded remarkably well; it was entirely conducted by the convicts of my gaol.

3272. Is the soil suited to the growth of the mulberry?—Yes, the white mulberry.

3273. How long was it before you left India that you established it?—Two years; that is, in 1815, 1816, and part of 1817.

3274. Does it continue to this time?—I am afraid that my successor has not taken the interest in that and other new manufactures and cultivation I introduced; such as indigo and Bourbon cotton; also in weaving cotton, woollen, and hemp, by means of English looms, &c. &c.

3275. Is there any obstacle arising out of the Regulations of the government to the extension of cultivation?—None whatever; but I do not think sufficient encouragement is held out to the people.

3276. It requires a considerable capital to carry it on extensively, does it not?—No, I did not find that the case with either silk or indigo; they appeared to me to be attended with very little expense.

3277. How long is it before a mulberry plantation is sufficiently productive in leaves to make it repay for the planting?—A year or two, it will produce. After the first year, I have had them gathered in my own garden, and those gardens planted by the convicts; watering regularly every day during the hot months, they produce an abundant supply.

3278. Did you ever endeavour to induce any persons having property to undertake the cultivation of the mulberry?—I held out all the encouragement I could by inviting the people to look at my plantations and manufactures; I also sent specimens of

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the silk I had made all over the country. I had periodical sales of both silk and indigo. Whenever I went on circuit through my districts, I took with me two or three of the English looms, to instruct the people in the use of them. Those with the flying shuttle were made by two soldiers out of the European regiment at Belgam.

3279. What do you conceive to have been the cause that prevented the individuals embarking in it?—For want of sufficient encouragement, and competent persons to undertake it.

3280. Do you think it would answer for any British subject possessing capital to undertake upon a large scale the cultivation of the mulberry?—I think it would be a very advantageous speculation. My periodical reports of the labour of my convicts to the government of Bombay will shew the extent to which I carried these new speculations.

3281. In what part of the country was it that you established this?—At Dharwar, in the southern Mahratta country.

3282. Is that the seat of the local government?—It is.

3283. If any individual had proposed to take land on lease for the purpose of trying an experiment of that kind, would he have obtained a lease for that purpose?—Certainly not, if he was an European.

3284. Did any European ever apply for permission to have land on lease for that purpose?—The two soldiers whom I had employed, and who had been Glasgow weavers, after having been, I think, a month, and just as I was sending them back to their regiment, entreated of me to write to the commanding officer to obtain their discharge, that they might carry on the silk and cotton works. Those were the only Europeans I had an opportunity of seeing.

3285. Do you conceive that an European bringing capital into the country for a purpose of that kind would be prejudicial to the inhabitants or to the interests of the government of the country?—I should be very apprehensive that Europeans settling and occupying land would be extremely prejudicial to the interests of the natives.

3286. By occupying land, do you mean holding it by lease?—Yes; holding land on any terms.

3287. In what way would it be prejudicial to the natives, if the natives let the lands to the people on their own terms; the question not referring to the indiscriminate introduction of Europeans, but a person wishing to establish himself for the purpose of carrying on a business of that kind?—From the tendency of the strong to oppress the weak, which I have seen wherever Europeans have been in the interior, at a distance from European stations; and the people would not complain against them nine times in ten, partly through fear, and partly for want of

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the means to subsist themselves from their cultivations and homes, and to pay their road expences, &c.

3288. So that if any person, be his character what it might, should apply for permission to establish himself for this specific purpose, it would be wise policy, in your opinion, to refuse this permission?—Certainly; and another objection is, I think that whatever the character of the European was, his superior intelligence would give him such a decided superiority over the native operatives, that the whole industry of the country would centre in him.

3289. If it gave employment to the labouring class how could it injure them?—They already get employment, which they would quit to work for Europeans.

3290. It would be attracting labour to them where there is at present none?—It might benefit the labouring classes; it might have the effect of raising their wages; but still the inhabitants would be sufferers.

3291. Would that be an injury to them?—Certainly not to the labouring classes.

3292. You stated that you thought the silk trade was likely to be an advantageous speculation to any one who entered into it?—I did.

3293. Do you know the state of the silk trade in any other part of India?—No. I believe it is carried on to a great extent in Bengal; some also is made at Seringapatam.

3294. Do you know that there have been several speculations?—No; except at Seringapatam, where there were about 500 families who gained a livelihood by it.

3295. Do you know the history of any establishment, or whether they have been abandoned?—No; I do not know of any establishment in any place, except at Seringapatam.

3296. Do you know that silk is at present imported into this country at a great loss to the Company?—No, I do not.

3297. Do you know of any instances in which the cultivation of indigo has been carried on by Europeans?—I believe it has in some parts of the Madras territory; at Arnee in the Carnatic, and in the eastern parts of Coimbatore.

3298. Is that within your knowledge?—Yes. I have been in company with indigo planters at Vellore and Coimbatore.

3299. Has that cultivation been felt to be an injury to the natives?—I have never been in charge of those districts, and am not competent to say; but I do not believe that the Europeans so engaged have found the speculation answer their expectations.

3300. You have not had an opportunity of seeing any instances

of such cultivation in Bengal?—No, I have not; all I know is, what I have stated of indigo cultivators. 6 April 1830.

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3301. Would not the employment of capital in that way lead to the creation of offices in which the natives would be very advantageously employed; such as agencies and stewardships, and offices of inspectors and superintendents?—Necessarily the agency of natives must be taken advantage of.

3302. Would not it be very likely to be very beneficial?—To the immediate individuals, no doubt.

3303. So far, therefore, as such offices were created, the natives would be benefitted, and an incitement held out to their exertions?—Not the natives generally.

3304. Has sugar been grown to any considerable extent in the parts of the country you have been acquainted with?—Not to any extent. I know that experiments have been made in Amgerakandy plantation in Malabar, by the late Mr. Brown, and also by another European of the name of Skelton, at Mangalore, but both abandoned them.

The witness is directed to withdraw.

Ordered, That this Committee be adjourned to Thursday the 29th instant, one o'clock.

Die Jovis, 29° *Aprilis* 1830.

The Lord President in the Chair.

The Honourable ANDREW RAMSAY is called in, and examined as follows:

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The Hon. And. Ramsay.

3305. What were the various situations you held in India?—I was about twenty-five years in the commercial department, six years in the salt department, and about two years in the revenue department. I was altogether about thirty-four years in the service of the East-India Company, on the Bengal establishment.

3306. Where did you reside in the commercial department?—Principally at Jungypore from the year 1804 to the year 1818, and then again from 1824 to 1829.

3307. In what years were you in the salt department?—From 1818 to the end of 1823.

3308. What were your duties in the commercial department?—The first six years I was in the commercial department, I resided at Ghazeepore, in the district of Benares; I was assistant to the Resident of that station. The duties were, the provision of cloth, sugar, and opium; and from 1804 to 1818 my duties were entirely confined to the silk investment.

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3309. Were you concerned in the sale of the imports of merchandize from England?—No, I never was, in any way whatever.

3310. Have the Company large establishments for the purpose of the silk manufacture?—Very large; I think about twelve stations, or residencies, as they are called.

3311. Have any individual European residents any factories of the same description?—I believe several have, but not equal in magnitude to any of the Company's residencies.

3312. In the Company's factories do they manufacture piece goods?—At one or two factories only; at Cossimbuzar factory, at Malda, and Santipore; I do not recollect any others where piece goods are made.

3313. Is the manufacture of silk goods continued at those factories?—It was when I left India.

3314. What process is carried on at the other factories?—The winding of the raw silk from the cocoons.

3315. Is that in no case a domestic manufacture in India?—Yes it is, but quite a different process, and is what they term Putney silk, which silk is employed in the manufacture of piece goods.

3316. How is that silk employed which is wound off by the Company?—It is all sent to Europe in a raw state.

3317. Do the mulberry trees and the worms belong to the same persons in India?—Sometimes they do; but, generally speaking, they do not. The mulberry is cultivated by one class of persons, and the worms are reared by another, though in many cases the mulberry cultivators keep worms also.

3318. Do those that are possessed of the worms wind off the silk?—I never recollect an instance of it at the Company's factory.

3319. What is the difference between the Italian and Indian worm; does there appear to be a great natural difference between them?—Not a very great difference; but there is so great a difference that those that are at all accustomed to them can see the difference at once.

3320. Which species of worm is in most general use?—The native worm of India.

3321. In a much larger proportion?—I should think, at the factory where I was, there might probably have been about a twenty-fifth part of the Italian worm used. It is only at a few factories in India the Italian worm is reared at all. I believe the factory I was at was the first where it was brought into use.

3322. Is the silk of the Indian worm inferior to that of the Italian worm?—I always considered it so.

3323. Is it much weaker?—That was the objection I always found to the country worm.

3324. Is it produced in smaller quantities?—I believe the quantity produced from an equal quantity of worms is nearly the same, but that may be owing to the Italian silk being spun much finer than the other qualities.

3325. How many harvests of silk are there in the year from the Indian worms?—I think it may be considered that there are four principal harvests from the Indian worm, November, January, March, and June, they are the four principal harvests; but at some factories there are one or two harvests more, I think, but November and January are the principal.

3326. Is the silk in November and January much greater in quantity and much better than at the other seasons?—It has always been considered so.

3327. Can silk be obtained from the Italian worm at more than one period of the year?—I never knew it produced oftener than once a year.

3328. Have there been any recent importations of the Italian worm into India?—Not since I have been in the service.

3329. In your opinion has the silk obtained from the Italian worm become deteriorated of late years?—I always understood from the Court of Directors' letters to India, that it had improved very much.

3330. Is that your opinion?—That is my opinion decidedly, that it has so improved; the question I understand to refer to the reeling of the silk.

3331. The question refers to the quality of the silk furnished by the Italian worm?—I should suppose, from the reports I have read, that it has fallen off very much in quality, and that the fibre of the silk when it was first imported to India was much stronger than it now is. It has certainly fallen off in quantity, and I should think it has also fallen off in quality.

3332. Have any attempts been made to increase the manufacture of silk in the houses of the natives?—No; I look upon the attempt to be impossible.

3333. On what ground?—Want of capital on the part of the natives, in the first place; and I have always understood that the manufacture of silk was a losing concern.

3334. The question refers to the winding off of the silk?—The natives have not the means of purchasing the apparatus for it.

3335. To what district in Bengal is the silk-worm confined? Generally speaking, to the whole of Bengal Proper, with the exception of the eastern districts; there is no silk produced there; the country is unfavourable for it.

3336. Is any produced in the upper provinces?—I believe it has never been attempted in the upper provinces.

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3337. Are you aware whether there are any further difficulties in the way of its being cultivated in the upper provinces?—I should think the climate is the principal objection to it.

3338. The cold or the heat?—Principally the heat; the heat in Bengal generally destroys the worms, and I should think the heat in the upper provinces would do it still more. For three or four months in the year, in the upper provinces, it is so dry no vegetable scarcely will grow, while in Bengal, during the hottest weather, it does grow.

3339. Did the servants of the Company in any manner interfere with the purchases of silk individuals desired to make in the interior?—Yes, it is their duty to do so; the Company make advances, and it is the duty of the Company's agents to see that the silk for which those advances are made is not made away with by any body; but individuals very often do it; merchants very often purchase the silk for which the Company's advances have been made, and that is the cause principally of the heavy balances which the Company have outstanding in the silk districts.

3340. The object of the question was to ascertain whether the servants of the Company used any authority, given to them by law or by the power of the government, for the purpose of interfering with the mercantile interests of individuals?—Certainly. If I found an European merchant carrying away the silk for which I had advanced money, I would take it away from him; and if I could prove that in a court, I could recover heavy damages.

3341. Had you any power, as a servant of the Company, in the making an investment of silk which was not possessed by any other individual commercial speculator in the interior?—Certainly, considerable.

3342. State what it was?—There are privileges given to those who receive the Company's advances; they cannot be summoned in civil suits, except when the investment is at a stand, or after a silk harvest, for instance; and they are protected from the oppressions of the natives more than those who are not employed under the Company. The native police commit great oppressions upon the natives.

3343. Have you any authority, as a Company's servant, over the natives, except that which arises from advances previously made to them?—I conceive not.

3344. You were understood to say that persons who receive advances from the Company have certain privileges, which they would not possess if they received advances from individuals?—Yes, that is the case.

3345. Is any silk cultivated otherwise than by advances?—A considerable quantity.

3346. With reference to the silk which has been cultivated by advances made of private speculators, and for a competition with the Company in its purchases, how have the Company, by their agents or residents, the advantage?—The Company's prices at the Company's factories generally regulate the prices of the day. There is only one district in India where there is any very large quantity of silk made that is not taken by the Company; that is the district of Rajeshaye, in which the residency of Bauleah is situated.

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3347. In what manner do you understand that the price given by the Company regulates the price to be given by other persons; is it so high as to induce the grower to sell all his silk to the Company, and higher than a private speculator would be willing to give for it?—I believe it has been latterly so very high, the Court of Directors have complained very much against it; and it is so high that no private merchants have of late years been able to purchase silk with any prospect of advantage.

3348. Can you state on an average the price per pound at which the Company have purchased the silk, and the price at which they have been enabled to dispose of it?—I cannot state the price at which the Company have disposed of it, for I have seldom had an opportunity of seeing the account sales and actual expenses; but the prices that have been given for it, I always understood, were much higher than the Court of Directors approved. Latterly they were from twelve to fourteen rupees a sier of two pounds weight.

3349. Have not the high prices given for silk by the Company enabled them to command all the best silk in the market? —I believe, as much as they wished to procure they have obtained in the market.

3350. Is not the silk exported from India by the Company very superior in quality to that exported by individuals?—Certainly it is.

3351. It sells much higher in the English market, does it not?—I have always understood so.

3352. You are understood to say, that they keep the private speculator out of the market by the high price which they give?—The Company always give a liberal price. There is no fixed way of settling the price, it is left to the state of the market; if piece goods are in great demand, it has an effect upon the price of the Company's investments.

3353. The question alludes to raw silk rather than piece goods?—Any rise in the price of piece goods affects the price of raw silk; for the raw silk and the piece goods are made from the same article, though differently prepared.

3354. When you say silk cost from twelve to fourteen rupees

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a sier of two pounds, do you mean on the spot of its growth?—I mean at the factory. I speak from the invoices which I used to send to the Board of Trade, when I sent dispatches of silk.

3355. Are you able to state what additional charges would be put upon it to bring that silk to London?—No, I am not; but I should think from fifteen to twenty per cent. I can speak from my own knowledge of one speculation I made in silk in the year 1805, when Marquis Cornwallis went to India; he arrived in the month of July, and immediately put a stop to the Company's investments. There was a great scarcity of money at the time in the market, and the silk people came to me to know what was to be done with their silk; I told them I could not take their silk, and they must sell it to individuals; their answer was, there were no individual purchasers in the market, and they could not sell it. There was a discount on bills at that time of fifteen per cent. between Calcutta and Moorshadebad. They, the brokers, came in a body and offered to give me their silk, and to take the loss of the fifteen per cent. upon themselves, which I agreed to. I sent the silk to England, and I lost, I think, about two thousand pounds upon it.

3356. Upon what quantity?—I think there was about £20,000, and I never traded in silk again.

3357. Can you state at what rate the cultivator can afford to grow the silk; whether it is matter of profit to the cultivator?—No, I cannot state that, because they always pretend to lose by it; and it is a very difficult thing to find out what it costs them.

3358. Though they pretend to lose by it, is the growth voluntary?—Entirely voluntary.

3359. Are many induced to continue who have once begun it?—It has been increasing of late years.

3360. Was there not a right of pre-emption independent of advances exercised by the Company?—I have never understood so.

3361. In what state do you receive the silk from the natives?—In the pods, which are called cocoons.

3362. You reel it for yourself?—It is reeled in the factories belonging to the Company.

3363. When you talk of seven rupees a pound, do you mean in the state of cocoons?—No; I mean the silk after it has been reeled off, when it is invoiced and sent to Calcutta, which is the last process.

3364. Do you reel the silk before you communicate to the cultivator what price he is to receive?—The prices are fixed while it is reeling; they are sent to the Board of Trade for their approval. They collect all the prices, and state their objections

to the prices of any particular factory, if one should much exceed in price the others. 29 April 1830.

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3365. How do you ascertain the quantity?—After the pods are received into the factory, they who rear the worms have no further concern with them; the people who furnish the raw material, the cocoons, have nothing to do with reeling the silk.

3366. What price do you pay them for the cocoons?—The price is regulated by the state of the market; if there is a great demand for piece goods, the Putney or Bengal reeled, which is the article of which the silk goods are made, regulates the price.

3367. How many pounds of cocoons do you average to one pound of silk?—If the weather is very favourable, the quantity of silk produced from the maund of cocoons of eighty pounds is greater than if the season has been unfavourable; but on the average I look upon it to be something under four pounds, or about a twentieth part.

3368. Your payment to the cultivator is not made according to the number of cocoons furnished, or the weight of the cocoons, but the quantity of silk that they reel off from those cocoons?—There are two ways of doing it; one mode is by paying for the green material, and when that is paid for, the rearer of the cocoons has nothing to do further with the process, he is paid so much for each maund of cocoons he has furnished; another plan adopted at the factories is, that the rearer of the cocoon waits till his cocoons are reeled off in the factory, and according to the produce of the silk he is paid so much per pound for the clean silk which those cocoons have produced.

3369. How many months in the year are the leaves on the trees?—All the year, excepting at the moment that they cut them down. When the worms come into life, and are old enough to eat, the mulberry is cut down close to the ground; the young leaves are then given to the worms, and those leaves again sprout up, and may be cut within two months from the time they were first cut.

3370. How high does the mulberry grow?—The mulberry, when it is first cut, may grow about a foot or a foot and a half in height; and in the rainy season, when it is allowed to grow, it rises from six to ten feet in height in the course of three or four months; and previous to the silk harvest commencing for the ensuing year, or late in the month of October, after the rains have ceased, the mulberry plants are cut down to the ground.

3371. At what distance do they stand from each other in the field?—I think they are planted very like potatoes in this country, in drills, nearly about the same distance, in some parts.

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3372. Have you ever seen them sown in drills?—They do not sow it with a plough, but they plant it. I believe the same root lasts from ten to fifteen years. The Court of Directors wished the natives to use the old leaves in preference to young leaves; but the natives were averse to it, and it could never be carried into effect.

3373. Were any Europeans, conversant with the European cultivation of silk, living among the natives, and forming establishments in Bengal?—There were in the district of Bauleah several, but none in the district where I was.

3374. Was the silk of that district supposed to be superior to that of the other districts?—I believe inferior; certainly not superior.

3375. Do you know what was the cause of that inferiority?—I cannot answer that question; the factory I was at was the original factory where the Italians were first settled when the Company sent to Europe for men to introduce the Italian mode of winding the silk; and I believe the Jungypore silk has always been considered among the best in the country.

3376. How long ago is it that the Italians were sent there?—About the year 1760, or between that and 1764.

3377. Do you happen to be aware whether, when the Indian raw silk is imported into this country, any goods are manufactured from that silk alone?—I do not know. I saw a man weaving silk at the repository at Charing Cross; and on asking him a few questions upon the subject, he told me that the Bengal silk was so weak they were obliged to have Italian silk for the cross threads.

3378. What is the first year you were acquainted with silk?—The year 1804.

3379. What was the price you paid at that time?—I cannot exactly recollect, but it was considerably less than it is now; it has been rising since.

3380. Has it been at all improving in quality since?—I have always understood that the Company's silk was very much improved in quality.

3381. Do you refer to that grown from the Indian worms?—Of all descriptions.

3382. Has not some change been made in the mode of taking the duty on silk?—I think there has been a change made since the renewal of the charter in 1815 or 1816.

3383. It was taken on the pound indifferently; was not it?—I do not recollect that the Company paid any duties at all before.

3384. When they first paid duties, how was it?—I do not

recollect now, the duties are charged in a different way from that in which they were before. 29 April 1830.

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3385. How are they charged now?—There is an entry made in the books, and a charge made, but no duties were ever actually paid by the factory where I was.

3386. Did not that change in the mode of taking the duties lead to the introduction of a greater proportion of the lower kinds of silk in preference to the better kinds?—I cannot, without reference to the accounts, answer that question.

3387. Do you recollect any private individuals who had filatures during their residence in India?—I know one myself who had very extensive filatures. Mr. Fruchard, afterwards inspector of the Company's silk investment.

3388. Do you know any others?—There was a Mr. Watson, who had considerable filatures.

3389. Do you know what was the fate of those private adventures?—I believe Mr. Fruchard was a very poor man, and I have understood died very much involved. Mr. Watson is still alive, but I believe does not carry on the silk business.

3390. Is not that owing to the Company producing the silk and selling it at home at a considerable loss, so that it became impossible for individuals to carry on the trade profitably?—I should think that is the case, that no persons would like to deal in an article they must lose by.

3391. Do you know what the average loss is upon the silk?—No, I never heard.

3392. Did the private speculators make advances to the natives in the same way as the Company?—No, I never knew them do so.

3393. The only silk that the private speculators were supplied with was the country-wound silk?—There are many natives reel silk in the same way as the Company, according to the Italian mode, and that silk is sold to any person who chooses to purchase it.

3394. Does not it require some capital?—Many natives employed in the silk trade have large capital, but that is chiefly confined to the Bauleah district.

3395. The natives who furnished silk to the private speculators were not entitled to the privileges which were conferred on those who furnished silk to the Company's agents?—No. I beg to observe that those Regulations with respect to privileges have since been done away with. The orders had arrived before I left India, and there was a Regulation framing when I left Calcutta.

3396. The natives who furnish silk to the Company now

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possess no more advantages than those who furnish it to individuals?—I cannot speak to the Regulations precisely.

3397. Do you know whether Indian silk is now used for manufacturing purposes in England, for which it was formerly thought unfit?—I cannot take upon myself to answer that question.

3398. Do you conceive the quality of Indian silk is susceptible of much further improvement?—I do not think that it is; for the great defect in the silk is want of staple.

3399. Is any silk imported from China to Bengal?—No, not that I am aware of.

3400. Do you know the result of some experiments that were tried at Sincapore, for the improvement either of the manufacture of silk or the cultivation of the mulberry?—No, I never heard of them.

3401. Did the Italians, on their arrival in India, alter the mode of the cultivation of the mulberry?—I believe not the least; I never understood that they did. It is entirely different from that of their own country; but I believe they did not alter it.

3402. Has there been an improvement of the manufacture of silk at the private establishments corresponding with that in the Company's factories?—I do not know. I never was in the private factory of any individual.

3403. How long were you employed in the superintendence of the salt manufactory?—I was nearly six years in the salt department.

3404. At what place were you stationed?—I was stationed for about ten months in the Twenty-four Pergunnah agency, though only three actually resident; then five years in the Tumlook agency.

3405. Have the goodness to state in what manner the salt was provided?—By advances to the Molungees, who are the people who manufacture the salt.

3406. Was the condition of those Molungees as good as that of any other labourers in the country?—Fully as good, and in many cases better.

3407. Are there any means of increasing the supply, without any considerable increase of cost?—If higher prices were given for salt, of course more could be produced; but I always understood there was as much produced as was required for the consumption of the country. For three or four years together, the government tried the experiment of giving an increased price, and having a larger quantity of salt made; that was about the years 1814, 1815, 1816, and 1817. But there was an enormous loss to the India Company from the experiment, and it was never adopted afterwards.

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3408. Do you know what the alteration in the retail price was under that arrangement in 1814, whether it rose considerably or fell?—I cannot answer that question; I do not know.

3409. Is the salt sold by the Company in large quantities?—It is sold at monthly sales, or every two months.

3410. Is the quantity to be sold known beforehand?—It is always advertised at the beginning of the year what quantity will be sold in that year, and I think they pledge themselves that not more than a certain quantity shall be sold; and at the beginning of the year when the first sale is announced, the different sales of the year are also put into the public paper, and proclamations published at the salt offices.

3411. Is it sold in large parcels?—It is sold, I think, in lots of three or five thousand maunds; the quantity deliverable at the agencies is in lots, of 250 to 1,000 maunds each lot.

3412. Is the trade chiefly in the hands of large capitalists?—The first purchasers are large capitalists, who purchase what is called the tuncas, and those tuncas are sold to merchants in the interior, who receive the salt at the agency warehouses, and carry the salt into the different districts.

3413. Is the price obtained by the purchasers at the sale very much larger than that given by them to the Company?—I cannot exactly say what advance they get, but the first purchaser, no doubt, gets a profit.

3414. The tunca is an order for the delivery?—Yes.

3415. Are you aware what difference there may be between the price at which the salt is retailed, and the price at which the Company sell it?—I have known the price paid for salt at the Company's sales to vary from 340 or 350 rupees for 100 maunds to 595 per 100 maunds.

3416. What is the weight of a maund?—Eighty pounds.

3417. Can you state, when the price of the maund was 350 rupees, what the price of that maund retailed would have been?—No, I had no opportunity of knowing that; I can state generally what I have paid for salt myself, which has been about five rupees a maund, but then it is not so pure; the price in the country is generally about five rupees a maund.

3418. Does the price in the country not vary very much?—I do not think it does.

3419. Does it not vary with the price at the sale?—The price at the sale would have a little effect upon it, but I do not think much.

3420. Have any Europeans become purchasers of salt to any large extent?—I have often heard of Europeans having salt sold to them; but I never recollect hearing of any one who had made any thing by it.

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3421. Is salt ever sent into the interior in large quantities?—Merchants resident at large bazaars very often do so; but, generally speaking, it is carried in small quantities in return boats; it is a very heavy article, and there is great danger in dragging it up against the current.

3422. On whose account is it so transmitted into the interior; on account of persons to whom the boats belong, or the merchants in the interior?—Merchants very often have boats their own property, but they also freight boats. Of course the merchants resident in large markets carry on a very extensive trade in grain and salt, and different articles.

3423. What return cargoes do those boats carry into the interior besides salt?—A variety of different articles; cocoa-nuts, or any thing that is required in the province to which they are going.

3424. Have they generally a full freight when they go back?—Seldom or never.

3425. So that the cost of the conveyance of the salt is not very great?—I should suppose that is one reason why Europeans cannot succeed in the trade, that the natives can do it much cheaper, by sending small quantities in the return boats. For instance, a merchant residing at Patna sends certain quantities of grain to Calcutta, for the use of the horses there, and he receives back by those boats the articles that will sell in that part of the country; but they never freight their boats so heavily as when they go with the current.

3426. Do you know any instances of salt being imported into India from Europe?—I heard of one or two ships that were sent from Liverpool a few years ago.

3427. Do you know whether the adventure succeeded?—I understood that it did succeed, and that the government immediately put an additional duty on all salt that might be imported.

3428. Do you know whether the price at which that salt imported from Europe was sold was one that could have come into competition with the price of salt made in India, had the manufacture of salt there been free?—No, I am sure it could not. If the manufacture of salt in India was free, there would be very little salt required, for the natives would make it in every district of the country.

3429. Is there any prejudice on the part of the natives against the use of salt imported by sea?—Many natives of high caste would rather starve than eat the salt from this country; no Hindoo of good caste would eat any thing from on board a ship.

3430. Is that on acconnt of its having been prepared by

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persons not Hindoo?—Not only prepared, but any articles touched by Europeans they will not eat.

3431. Do you mean to state that there are the means of preparing salt at any considerable distance from the sea, and in various parts of the country?—The salt is produced by various means in India; there is a lake, the bottom of which is entirely formed of salt, called the Sambre Lake; but there is a duty, I believe, on that salt, if imported into the Company's provinces; and they also make salt in the same way, I apprehend, as they make saltpetre. It is not so good salt, but they can make it, I have heard, in small quantities.

3432. In what part of the country are the salt manufactories of the Company?—In the lower parts of Bengal, and in those parts only along the whole mouths of the Ganges, and up the rivers and creeks adjoining.

3433. Cannot salt be provided in this part of the country at a much cheaper rate than it could anywhere else, except the salt lake?—Certainly.

3434. Could not that salt be manufactured so cheaply as to undersell any salt made in any other parts of the country?—I have no doubt it could be; many natives would manufacture a little for their own use.

3435. Is salt generally manufactured on advances?—Entirely by advances.

3436. To whom are the advances made?—Individually to the Molungees (who make the salt), in the presence of the agent.

3437. Can you state what is the amount of advance made to each Molungee?—It depends upon the quantity of salt land he has to manufacture his salt from.

3438. Is a Molungee invariably the proprietor of salt land, or is it allotted to him?—He is either a proprietor himself, or he rents it. They are generally renters, and the Company pay a remuneration to the zemindar of the district in which the salt is manufactured.

3439. Speaking generally, are the Molungees indebted to the Company on their advances, or are they on the delivery of their salt free from all embarrassment?—I do not recollect, during the time I was salt agent, that there were any balances at the end of the year, and rewards are invariably distributed to those who conduct themselves with the greatest propriety.

3440. Do you conceive it is in the power of any Molungee without difficulty to leave the manufacture of salt?—Certainly it is; but it is generally considered to be a very great punishment to be dismissed from the service.

3441. Are you not aware that an impression contrary to that statement prevails in this country?—I have heard it often mentioned.

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3442. Do you know on what it is founded?—I conceive there is no foundation in truth whatever for it; for there is no class of people in the world better looked after, or more kindly treated, than the Molungees employed in the salt monopoly in India.

3443. Can you state at how much a maund the salt is produced; how much the East-India Company gives for it?—The price given by the East-India Company varies in different districts. In some parts the land produces more salt. For instance, in the Hidjelee agency, situated between Tumlook and the sea, the earth is, I believe, more deeply impregnated with salt than it is in the Tumlook district, consequently the price given was less; for the same reason, in the districts in my agency that were nearest the sea they received a less price than the one nearest Calcutta.

3444. In the district where it was most easily produced, how much was paid for it?—I think half a rupee a maund; and in the most northern district I think twelve or fourteen annas, which is very nearly double.

3445. So that the sale price is about near six to eight hundred per cent. on the cost price?—Very nearly that.

3446. What is the quality of the salt: is it refined?—No, it is not refined; it only undergoes one boiling.

3447. Is it to be compared to the salt eaten in this country?—I think it is very far superior.

3448. In what respects?—It is not so bitter as the English salt.

3449. Is it better than our refined salt?—I should think better than any European salt.

3450. Are the crystals large?—It is very fine; it is not in crystals at all.

3451. Is the Madras salt ever brought into the market at Calcutta?—It depends upon the quantity of the salt in Bengal; if there is not a sufficient quantity of salt produced in Bengal, government issues proclamations with the prices which will be given for the salt from the coast, and then ships touch at the different ports on the coast and bring the salt to Calcutta.

3452. Except when the salt produced under the monopoly is not sufficient to meet the amount advertised, the importation of Madras salt would be prohibited?—I conceive so.

3453. Can you give any information as to the price that Madras salt has produced?—No, I cannot.

3454. Is its quality inferior to that of Calcutta salt?—I believe it is inferior, and sells at a much lower price, though a much higher price is given by the Company than for their own.

3455. For what reason is it bought at a higher price by the Company?—To avoid disappointment by the natives, I conceive, from a smaller quantity being made than the supply of the country requires.

3456. Is much salt consumed by the natives?—They cannot live without it.

3457. Has any complaint been made to your knowledge of the quantity consumed by each individual?—I do not recollect exactly; I have heard it often; I never heard the natives complain of the monopoly of salt.

3458. Do you conceive that if they were permitted to manufacture salt, as you state, at a very low price, the consumption would be much increased?—No; I do not think it would.

3459. Can you state what the price of salt is in the interior, at any distance from Calcutta?—To the best of my recollection it may be stated to be five rupees a maund, that is, about 200 miles above Calcutta; I believe it is as dear in Calcutta; but then the natives who purchase the salt adulterate it very considerably after it leaves the Company's warehouses.

3460. Can you state at what price the salt imported from the north, and carried over the district, is able to compete in the market with the salt in Calcutta?—It is not, I believe, brought down in large quantities lower than the district of Benares, nor would it answer, I conceive, to carry the Calcutta salt higher than Benares.

3461. How far is Benares from Calcutta?—By land it is about 400 miles, and by water about 700.

3462. Can you state at what distance from Benares salt brought into competition with that from Calcutta is brought to it?—I cannot state exactly the distance.

3463. How are the countries not under the government of the Company supplied with salt?—There are vast quantities of salt produced in the western and northern part of India, but I do not know how they are regulated.

3464. Do you know at what price that is sold?—No, I have no idea.

3465. I much salt illegally made, or smuggled in?—I believe every Molungee almost is in the habit of smuggling a little salt, which makes them so much attached to the business; and some Molungees I have known very rich men.

3466. What is the penalty on smuggling?—The penalties on smuggling were fine and imprisonment, but I believe it was very seldom inflicted. I do not remember having committed any person to prison for smuggling, for I considered, in some instances, the Molungees were not sufficiently paid for their salt. It (the low price) operates more against the Company them-

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3467. Do you conceive it would be impossible to abolish the monopoly and substitute an excise duty on the manufacture, combined with a custom duty on the importation?—I think it would be very dangerous to do it; and it would require some time to prepare the natives for such an alteration.

3468. What do you foresee to be the difficulties?—That it might have an effect on the supplies of salt in the interior, and the difficulty of defining who should have the salt lands; they are possessed by Zemindars generally as their property, so that if the Company were to give up the monopoly, the land would fall into the possession of men who would have the sole power of making salt; and in the district where I was the lands were generally possessed by two people—the Rajah of Tumlook, and the Rajah of Mysadul. I paid a sum every month to those people of about five or six thousand rupees, as a remuneration for the lands that were appropriated to the salt manufacture.

3469. Do you conceive any other difficulty would arise to the imposition of such a duty than that of framing proper regulations?—The supply would be at first very uncertain; and as the natives do not complain of the monopoly, I conceive it would be a very dangerous experiment to try, the monopoly would fall into the hands of some persons.

3470. You say that salt might be manufactured anywhere? —Yes; but of course the earth produces very little, and the salt is not so good, and it would be only the poorest class of natives who would think of taking that trouble; probably it would be difficult for them to get a supply in time, if any sudden change was made in the monopoly.

3471. Do you ascribe the principal difficulty to the abruptness of the change rather than its being in the end nearly impracticable?—I do not think it is impracticable at all.

3472. Are the lands now occupied by the Company for the purposes of salt manufacture divided amongst a great number of proprietors?—I cannot answer that question without reference to records upon the subject. I believe every native Molungee who receives advances from the Company pays a salt rent for the land from which he is to manufacture the salt.

3473. How many salt agencies are there?—Seven or eight.

3474. Would there be greater danger of adulteration in the event of the monopoly of the Company ceasing?—I think there would be very great danger; it increases the danger if the manufacture rests with individuals.

3475. Is it a voluntary bargain on the part of the persons on whose lands the salt is made, or is the land assumed by the go-

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vernment as an act of authority?—I cannot answer that question decidedly; there is a remuneration paid to the Zemindar by the salt agent; but it occurs to me that that is a remuneration for the right their ancestors held, and that the natives who manufacture the salt pay a revenue for the lands occupied by them for that manufacture.

3476. Is the amount of that revenue fixed by government?—I think the government have some means of checking any imposition.

3477. Can you state what was the number of the first purchasers of salt at the Company's sales?—I cannot.

3478. Are they persons of large capital?—They are generally considered as persons of large capital.

3479. Are they a numerous body?—I believe they are a very numerous body.

3480. Is there much competition?—I conceive them all to go together; that it is a sort of second monopoly, and that they receive a very small profit on a very large sum of money, which in the course of time makes them large capitalists.

3481. Are they natives?—Yes, they are natives.

3482. Do the first purchasers never sell the salt by retail?—I believe never.

3483. Are the persons who purchase the salt from them numerous?—There are a certain number from every district between Benares and Calcutta, salt merchants; people who trade in salt also trade in grain and all other edible commodities.

3484. The first purchasers purchase at the auction?—Yes.

3485. Are the second sales by private contract?—Those tuncas are sold at so much advance per cent.

3486. Can you state at how much per cent. in general?—I never had an opportunity of knowing.

3487. Do those persons whom you describe as the second monopolists agree together not to give more than a certain price, or do they bid against each other?—The impression upon my mind is, that they agree together what price they will give.

3488. What is there to prevent those who are now the second purchasers being the first purchasers?—I know no rule that prevents them; they might, if they had capital sufficient.

3489. Is the quantity in each lot so large as to deter them?—No, I do not think that it is; though one lot might be more than they would require.

3490. The lots are 5,000 maunds?—Yes, to the best of my recollection, they are either three or five thousand; I cannot recollect precisely which.

3491. Do you consider the situation of the Molungees as improved, compared to what it was some years ago?—Most certainly it is.

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3492. There were some courts of justice specially formed for their protection, were there not, some years back?—I do not know that any were; but new regulations were framed, and the government have always exercised great vigilance in every thing relating to the salt department.

3493. What were those measures of improvement by which their circumstances have been ameliorated?—They took place so many years before I was in the department, that I cannot satisfactorily answer that question; but it was in the time of the government of the Marquis of Wellesley the new arrangements were made; and I believe there was more corruption on the part of the Europeans than there is now, that the whole system was corrupt.

3494. Have you reason to think that, before this improvement took place, their situation was peculiarly unfavourable, as compared with that of the rest of the natives?—I should not suppose that their situation was particularly hard; for they participated, of course, in the corruption which existed throughout the whole department.

3495. Do you know whether any measures have been adopted with a view of making the employment less unhealthy than it used to be?—I conceive it impossible to do that, for it is the situation of the country which is unhealthy.

3496. You think the employment is now as unhealthy as it was twenty years ago?—Quite so.

3497. Were you concerned in the purchase of investments of indigo?—No, I never was.

3498. When you were resident in the interior, had you occasion to see the conduct of the indigo planters?—I have often seen the conduct of the indigo planters.

3499. Before they had permission to hold lands in their own names, in what manner did they obtain land for the purpose of cultivating indigo?—They obtained lands by farming the different zemindarries in the names of their servants, and they had just as much possession of the land before as any law or any Act of Parliament could give them.

3500. Did it appear to you that any practical inconveniences arose out of the former system of farming in the name of their servants?—I conceive very great inconvenience to arise from that.

3501. State what they were?—Various oppressions of the planterstowards the natives.

3502. Of what nature were those oppressions?—Compelling them to sow a larger proportion of land with indigo than they would otherwise be inclined to do, and by taking their best lands.

3503. Did those oppressions arise out of the system; namely, the system to which they were forced to resort, by not being allowed to hold lands in their own names; or did they arise out

of the necessary connexion that was existing between them and the natives?—It arose out of the competition which takes place between indigo planter and indigo planter residing in the same district.

3504. When they forced the natives to apply their best lands, and a larger portion of the land than the natives desired, to the cultivation of indigo, whose power did they exercise?—The power of the Zemindar.

3505. Was it from the Zemindar they took the lease?—The Zemindar may rent his land to three or four people. The Zemindar lets it to what is called an Izardaar, or farmer; the Izardaar again to what is called a Durizzardar, or under-farmer; and each gets a considerable profit on the lands, and the natives are in consequence very much oppressed.

3506. Under that system were any measures adopted for preventing the lessor from delegating, or the indigo planter from exercising, power which did not belong to them by law?—I conceive the farmer stands exactly in the shoes of the Zemindar, and is bound by the same law which regulates his conduct towards the other parties.

3507. Are the rights of the Zemindar over the lands within his zemindarry in all circumstances ascertained, or do they vary in different parts of the country?—I believe they vary in different parts of the country.

3508. Before those leases were granted, were any means taken to ascertain the rights of the Zemindar in that particular zemindarry?—That I cannot answer.

3509. Do the indigo planters make in all cases advances to the cultivators?—I believe in almost all cases they do.

3510. What powers have they for the purpose of forcing the ryots to observe the conditions of the leases made with them?—They have no power, except that of resorting to the courts.

3511. Are there instances in which ryots have made agreements with more than one person for the produce of the same field?—I believe many instances; that it is an occurrence that happens daily in every part of Bengal.

3512. Does that lead to much litigation or violence?—It leads to great violence and great oppression.

3513. By whom is the oppression exercised?—By the different indigo planters and their servants.

3514. That is, in endeavouring to force the ryot to perform both obligations?—Yes; and in cutting the weed to which both parties conceive they have a right, violent affrays take place, and bloodshed and murder frequently occur.

3515. Do such violences occur oftener in parts of the country where there are not Europeans?—I believe not.

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3516. Is it the fact that an individual is more disposed to take the law into his own hand, when he thinks he has no right?—I think so.

3517. Has the manufacture of indigo been improved by the indigo planters?—I have always understood it has been greatly improved within the last twenty years.

3518. What is the condition of the persons who act under them; are they in a comfortable situation?—Under a good master they are very comfortable, and under a bad one they are very much the reverse.

3519. Should you say that the condition of the ryots who labour for European indigo planters was generally better than that of other ryots?—I should say it was not better.

3520. Are they not equally well remunerated, or does the inferiority of their condition result from those occasional acts of violence?—Indigo is a very uncertain plant; the native is put to great expence in cultivating his field, and very often it yields nothing; and where the indigo planter who makes advances on the land is inclined to be oppressive, it leads to the most serious consequences to those individuals.

3521. Do you think that the measures adopted by the indigo planters lead to a more extensive cultivation of indigo than would take place if Europeans were not engaged in that article of commerce?—Yes.

3522. That is, that the indigo planters adopt measures for forcing the ryots to cultivate indigo, and that has led to more extensive cultivation of the plant?—The indigo planter farms the lands in the first instance, and that compels those persons either to sow a certain quantity of indigo, according to the quality of the land he possesses, or he deprives him altogether of his land, and turns him out.

3523. Has not the ryot in most parts of the country by law a right to cultivate his land in what manner he pleases?—Yes.

3524. That right is interfered with by the indigo planters?—Yes, it is.

3525. All that the ryot owes to the Zemindar is a certain portion of the produce of his land, whatever that portion may be?—No; the land pays a certain revenue to the person who holds the lands.

3526. He has entire liberty to cultivate the land as he pleases?—Yes.

3527. Provided he pays that fixed revenue, no one can displace him?—That was the intention of the Regulations.

3528. What remedy has the ryot, when thus forced to cultivate the land not according to his own wishes, but those of the indigo planter?—He has no other remedy than an appeal to the court.

3529. What chance has he of having that appeal heard?—I believe he has very little.

3530. What would it cost him to appeal to the court?—That I cannot answer; it is to the Zillah court that I refer.

3531. Do you mean to say that the cultivation of indigo is carried on on a general system of compulsion?—No, I am certain it is not; I am only alluding to a large proportion of planters in the lower parts of Bengal, where a number of low Europeans and half-castes are settled.

3532. The system of compulsion is in fact an abuse?—A great abuse.

3533. And it is confined to one district?—It is confined to the whole of Bengal.

3534. Is it general throughout Bengal?—It is now becoming more general every day. When I first knew Bengal, it was confined to the districts near Calcutta—Kisnagur and Jessore principally.

3535. Is the compulsory cultivation of indigo general throughout those districts?—I believe it is.

3536. And the perfect impotence of the law to protect the natives against it?—I believe it is; but I beg, in addition to those two districts, to add three or four more—Rajeshaye, Purneah, Malda, and Moorshadebad.

3537. Throughout those districts, is the condition of the ryot cultivating indigo materially worse than that of other ryots, speaking generally, otherwise than in the instance of a very bad master?—I speak in reference to the three or four districts I first mentioned merely from report; I speak of Moorshadebad and Malda from what I have myself seen.

3538. Of what date?—In 1824, 1825, and 1826; and I say decidedly that the state of the ryots in those districts is in a very deplorable condition, as compared with the other ryots in the same districts, who do not cultivate indigo.

3539. Can you state what number of Europeans are settled for the purpose of cultivating indigo?—No, I cannot.

3540. Can you state how much land is employed in the cultivation of indigo in the province of Bengal?—I cannot answer that question. I cultivated 100,000 begas myself. I believe there are two begas and a half to an acre.

3541. Does not the bega vary in size in different districts?—Very much.

3542. Then it would be about 40,000 acres you cultivated? Yes.

3543. Was that on your own private speculation?—Yes; another gentleman and myself.

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3544. Is it generally a profitable speculation?—I found it so when indigo was only half the price it now is; and I believe it has been a very losing speculation since the price of indigo increased.

3545. How do you account for that?—The oppressions of the natives and the great competition existing amongst the mercantile people in India.

3546. Has the expence of cultivation increased?—Every thing connected with the manufacture of indigo has increased, and the seasons have been very unfavourable for many years past.

3547. Has the expence of producing indigo much increased? —Taking into consideration the failure of the seasons, it has been very much increased. For the last five or six years there has not been one good crop of indigo.

3548. Has a much greater quantity of land been applied to indigo cultivation?—I believe not; I believe the same lands; all the alluvial lands on the borders of the Ganges.

3549. Is the cultivation annually extending?—It is only an annual plant. In the Upper Provinces of India it is a triennial plant.

3550. Has more land been brought latterly into cultivation? —I believe latterly cultivation has increased to a great extent.

3551. The price, notwithstanding, has continued to increase? —It has.

3552. In the part of India where it is an annual cultivation, is indigo planted the second year on the same lands?—Yes; the lands, generally speaking, are overflown by the Ganges, and a sediment is deposited, which manures the lands; and if no inundation takes place, the next season is almost certainly a failure.

3553. That has been the case?—It has been the case for several years.

3554. Is the triennial indigo of a different quality from the other?—It was till lately. They found out within these few years that by boiling they can make it nearly as good as the Bengal indigo; but I believe it has never been considered quite so good.

3555. Is it grown exclusively on lands which are subject to inundation?—In Bengal it is generally sown on lands subject to inundation, and no person will sow any other lands if they can get those; but since the cultivation became so great, I believe lands that are not inundated are also sown with indigo.

3556. Is it an exhausting crop?—I should think it was, from the strength of the roots and the size of the roots.

3557. Do you know whether, in some parts of the country where indigo is grown, there is amongst the ryots' race an increased consumption of European manufacture as compared with

other districts where it is not grown?—No; I do not believe there is. 29 April 1830.

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3558. What right of holding land is now given to an European planter?—I do not know what has taken place since I left India.

3559. Is the cultivation entirely in the hands of Europeans?—Not altogether; some of the natives have considerable factories.

3560. Is the indigo manufactured by natives as good as that manufactured by Europeans?—I believe not.

3561. During the period in which it was such a beneficial employment of capital to Europeans, do not you think the ryots shared at all in the advantages which arrived to the state?—I think they did. Till the cultivation took place in Bengal, I think the ryots were comparatively happy; I have heard them say so themselves.

3562. For some time after European capital was first invested in that employment, was not the situation of the ryot engaged in the cultivation considerably improved?—The introduction of that took place long before I went to Bengal, and I cannot give a satisfactory answer to that question.

3563. Do you think that it can be attended with great advantage to the European cultivator, without leading to some improvement in the circumstances of the ryot, as to wealth and increased comfort?—I think it might do so; but the effect it has had has generally been the reverse, I think, speaking from my own observation.

3564. Do you happen to know whether, in those districts in which indigo is grown, the collection of the land revenue has been facilitated?—I believe the collection of the land revenue in Bengal has always been effected without the least difficulty; but I have no doubt the introduction of indigo planters into the interior of India has of course circulated a much greater capital than would otherwise have been the case; but I believe there is no difficulty in collecting revenue in Bengal, because the provinces were assessed so much below what they might have been.

3565. Were you ever at Tirhoot, in Bahar?—I have been in that district, but never resided in it.

3566. Did you observe there an appearance of increased wealth among the ryots?—I believe there is no doubt that there is.

3567. Was there a considerable consumption European manufactures?—That I cannot speak to; I should think the natives employed in the cultivation of indigo make very little use of European manufactures of any kind.

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3568. What was the condition of the ryots in that part occupied by yourself in the cultivation of indigo; was their situation comfortable or otherwise?—I can only speak from what I have heard from themselves, that they were comfortable, and that it was my interest to make them comfortable.

3569. Then the difficulties you speak of were obviated on your part where you resided?—There was not that competition at that time that existed in the other parts of the country.

3570. Those oppressions of the ryots have taken place since the great competition?—Chiefly; when I was concerned in indigo myself, I made a point of making the situation of the ryots as comfortable as possible.

3571. Might not those oppressions of which you have complained be easily obviated in other instances as they were in your own?—If the same conduct is observed to be followed up, it might be; but a very different class of persons have come into possession of the factories, country born half-castes, and one or two Europeans.

3572. As principals or as agents?—As principals.

3573. Did you reside at the place where your indigo plantation was carried on?—Yes, I did, about forty miles above Moorshedabad.

3574. Do persons who have taken those lands for the cultivation of indigo generally reside there?—They generally reside on the lands. In some cases the agents in Calcutta have a share in the factories, but not in all.

3575. Is there much difference in the situation of the ryot, whether it is conducted by the principal in person or by agents?—I should conceive not.

3576. What has led to this change in the description of persons who manage the indigo plantations?—The introduction of a greater number of Europeans of course has led to the change.

3577. Do those European indigo planters retire to England at a certain age?—Some of them do, if they can make the change.

3578. Do many of them remain in the country?—I believe very few who can quit it.

3579. Do their sons succeed them in the indigo plantation?—Very commonly they do.

3580. Do they marry?—Yes, sometimes.

3581. Where do they get their wives?—They marry the daughters of indigo planters, I suppose, or any body they can get.

3582. Is the race they leave a white race or a mixed race?—Both white and mixed.

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3583. Do they divide their property amongst those persons of different colours?—That I do not know.

3584. Do you recollect any indigo plantation which has been for more than one generation in the hands of Europeans? —There has not been time enough for that since I was in India; but I believe it was considered so profitable a thing that many gentlemen came home, leaving their property in the hands of agents in India.

3585. Are those indigo plantations established by means of capital imported into India from England, or by means of capital borrowed from the agents at the Presidency?—Generally by capital borrowed from the agents at Calcutta.

3586. Are the persons to whom those plantations belong generally persons of substantial wealth themselves?—I believe a very small proportion are at all in comfortable circumstances.

3587. Have they not been considered as the agents of the agents in Calcutta?—In many cases they may be considered the servants or superintendents of their agents.

3588. How do those persons you have described first get established in the indigo plantations?—Through recommendations, I suppose, in many cases.

3589. Can a person who is in India go to any part of India he pleases, and follow any line of life he likes, without some leave from the government there?—None ought to do it; but no respectable man is ever refused leave, I believe, and many get leave who ought not to have leave.

3590. Have you heard of the failure of the house of Palmer and Company, at Calcutta?—Yes.

3591. Are you aware that that house was principally connected with indigo plantations?—I do not know, but I have heard they were.

3592. Do you mean to say, that among indigo planters there are not many respectable men?—I mean to say there are many very respectable men; men of the highest respectability.

3593. And men of capital?—Not many men of capital.

3594. What capital they have they have acquired in that country?—Yes; I never knew men with capital going out to India to establish an indigo plantation.

3595. Have not many of the disorders which have taken place in the indigo districts been occasioned by disputes about boundaries?—I believe that is the principal thing which creates disputes. Lands are thrown up by the Ganges, or great rivers, and each party claims those lands.

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3596. Are not such disturbances rather to be imputed to the peculiarity of local circumstances than to any defective conduct or blameable conduct in the cultivator?—In some respects they proceed from local circumstances, certainly.

The witness is directed to withdraw.

Ordered, That this Committee be adjourned to Tuesday next, one o'clock.

Die Martis, 4° Maii 1830.

The LORD PRESIDENT in the Chair.

Ordered, That this Committee be adjourned to Thursday next, one o'clock.

Die Jovis, 6° Maii 1830.

The LORD PRESIDENT in the Chair.

JOHN HODGSON, Esq. is called in, and examined as follows:

3597. WHAT situation did you fill in India?—I served the Company for seven-and-twenty years. I was Assistant to the Collector of Land Revenue; Secretary to Government in the Revenue and Judicial Departments; Secretary to the Special Commission for settling the Land Revenue permanently; a Member of the Board of Revenue from the year 1803 to the year 1809 inclusive, with the exception of a furlough of three years to England; a Member of the Council of the Government at Madras for one year; and should have been in the Commission of Government with Sir Thomas Munro had I been able from the state of my health to have remained. 6 May 1830. — *J Hodgson, Esq.*

3598. Will you state whether any improvements were effected in the judicial administration of the East-India Company during the period of your residence in India, and what they were?—Certainly; very great. When I first entered the service, there was no judicial administration whatever legally provided for in any shape under the presidency of Madras. The Northern Circars, the oldest territory of the East-India Company, ceded in 1765, the jaghire lands forming a part of the Carnatic ceded to the Company in 1765, were administered by local officers in the Northern Circars—by chief and council. The administration of justice by them was confined exclusively, I may say, to the towns and factories within which they were placed. Of criminal jurisdiction there was none. There was no law providing for the infliction of the penalty of death or any other penalty. The land revenue was collected through the agency of Zemindars, of whom there are a great many, hereditary and others, and if not through them, by means of public contractors. The settlements with them were either annually or periodically. The chiefs in council had very little authority in their districts;

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and of course every Zemindar could interfere in the direct administration of justice. If they, the chiefs and councils, did interfere, balances very frequently accrued, which were attributed to that interference as the cause. There is no registry whatever that I am aware of in any of the records of the government, either of the local chiefs in council or those succeeding them when they were broken up in 1794, and the records sent to the presidency, of any recorded trials or appeals, or any thing that then came under the shape of a judicial proceeding. Cases of disputes respecting the succession to those zemindarries were certainly inquired into by those local chiefs in council, but the ultimate decision generally rested with the Governor in Council at Madras. On the report of the proceedings of those local officers in the Carnatic,—the Circar lands which were ceded to the Company, which formed part of the Carnatic—the country was rented out to one large proprietor, who was supposed to be an agent of the Nabob who had ceded those provinces to the Company. This contract existed till the year 1784, when Hyder invaded and desolated the whole of the Carnatic, including the jaghire. After the peace made with Tippoo, in that year, 1784, during Lord Macartney's government, the whole of the revenue of the jaghire was rented out in contract to large contractors, by Pergunnahs, which are divisions of many villages; the contractors being to the number of ten. After a short time superintendants were appointed over these contractors. The lease was for ten years, on a progressive demand to meet the supposed gradual restoration of the country. During the period of those contracts European superintendents were appointed to see that justice was done to the ryots, who were the payers of the land revenue. They inquired into civil questions, and certainly decided summarily in matters of civil complaint, and perhaps in criminal matters on a small scale; but they had no specific rules for their guidance, and were left much to their discretion in all judicial questions of whatever nature, civil or criminal. This may be said to have been the state of things till the year 1802, in all the factories and other dependencies of the Company on the Madras establishment. In 1802, Regulations were framed upon the principle of those in Bengal, and courts of justice were established first in those districts in which a permanent settlement of the land revenue had been made; subsequently, in the year 1806, they were extended; generally, criminal courts were established, I should say, in 1802; generally, those continued upon the same principle till the year 1816. In the year 1816, a departure so far from the previous leading principles that had been adopted was made, in separating the office of magistrate from that of the Judge, and adding it to that of the Collector; in taking the police from under the magistrate, and placing that also under the Collector, as magistrate, with the aid of his native officers; in the exten-

sion of native Judges—commissioners appointed under the old principle, by giving them a fixed salary, which they had not before, and in extending their jurisdiction and increasing their number. The number of the zillah, or district courts, were also decreased in 1816. And, as far as regards the Company's territories, those are the principal alterations I at present recollect.

3599. In the absence of positive law, which you have described, previous to the year 1802, were no punishments inflicted for criminal offences?—Confinement in several instances occurred in the district in which I was myself in charge as Collector, and previous to that as Assistant, (when the whole civil and criminal business fell on me, together with the other duties,) in instances of a man stabbing another, an atrocious murder,—he remained in confinement for a long period of years without the means of bringing him to trial; also a great number of gang-robberies. I recollect money going down for investment being plundered; the offenders were supposed to have been detected, but the only thing that could be done was to keep them in confinement. Those that remained in confinement were acquitted, on the courts being appointed, for want of evidence.

3600. No capital punishments were inflicted by any authority for the greatest offences?—No; there was none beyond the jurisdiction of the King's courts.

3601. Can you state the ground which led to the alteration, in the year 1816, by which the authority of the magistrate was transferred to the Collector?—I should consider it to have arisen chiefly from revenue arrangements. It is necessary to explain, that under the presidency of Madras there was originally but one mode of revenue settlement. This existed under the orders of the government at home for a long period of years, as far as the records can be traced, from 1600 down to probably 1792. The only means by which the land revenue was collected was through the agency of Zemindars, or public competition by contractors; there was no direct agency with the immediate payers of the soil. In the year 1792 a cession of territory was obtained from Tippoo Sultan, after the fall of Seringapatam, in that province which is above the eastern Ghauts of the peninsula, and what is described in revenue language a dry grain country. Colonel Read, and three military assistants, were appointed to the charge of them. The first settlement was made in that province by villages. It was afterwards abandoned by Colonel Read; and under his suggestion and recommendation, what is called the ryotwar system was adopted. The ryotwar system means, that the revenue shall be collected direct by the officers in the pay of government from the actual cultivators of the land; that the payment of revenue shall in all cases be in money; that it shall be fixed on each

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field, and not vary with the produce of that field. Now the former practice had been, in many instances, to collect the revenue in kind from irrigated lands—artificially irrigated lands; an invariable money rate from lands cultivated by the rains. In this province the sole judicial revenue and police administration, such as then existed, was under the entire controul of Colonel Read and his assistants. When the Carnatic was ceded to the Company in 1801, and the ceded district obtained from the Nizam in 1800, it came under the consideration of the Madras government, and under the recommendation, I may say, of Colonel Sir Thomas Munro, whether it would not be expedient to introduce the ryotwar system of assessment and collection into every province not under zemindarry agency. This course was adopted; and instructions were issued for carrying the ryotwar plan of assessment and collection into execution throughout the whole of the Carnatic. Its progress was going on, under Sir Thomas Munro, in the ceded districts obtained from the Nizam; and was finally completed there before he quitted the country. In 1807, the perusal of Sir Thomas Munro's Reports in England, and the wishes of the Court of Directors and local authorities in England, led to an anxious desire that this arrangement should be made general, and should be perpetuated. Sir Thomas Munro was consulted here upon the subject, and many other of the servants of the Company, civil and military; and orders were sent out between the years 1813 and 1816 for carrying this plan into effect; and it was considered necessary, for the due accomplishment of this, that all the authority in the ryotwarry district should be vested in the head of the revenue department, as well to secure the successful accomplishment of this plan, as, in the opinion, I believe, of Sir Thomas Munro, for the better government of them. The orders were hardly discretionary; as far as regarded the local government, they may have been almost said to have been positive; they were not the result of any communication from the local government, but were adopted from the views of the government at home, formed from all that was on record, and all the information they had been able to obtain.

3602. Under that arrangement, was the revenue collector armed with authority as a magistrate sufficient to enable him to compel the collection of any sums he required, without any appeal to the judicial authority?—With reference to that question, it is necessary to explain that the land revenue throughout all India is a certain portion of the produce of all land cultivated according to rates established by local customs and usage; those rates vary, both in kind and in money; in fact the irrigation under which the country is cultivated is so different in the south-west monsoons and the south-east, that there is a much greater certainty in the cultivation under one monsoon than in the other. The south and south-east provinces of Bengal may be said to

derive their fertility from floods, and the works of irrigation there are to keep out water. In the whole of the Peninsula, taking it from the northern to the southern extremity, the most fertile of our lands are irrigated by means of the rivers which take their rise above the Ghauts; and are filled by the rains of the south-west monsoon; the other parts of the coast are not watered by those large rivers. I believe there are not more than three; the Mohanuddi, the Godaveray, the Kistna, the Palar, the Cauveri, and the Tambara Purney. The surplus of water by those rivers rarely fails. The rest of the country is irrigated by means of large reservoirs called tanks; and there are many of great size; the banks of some are three, four, and five miles long, containing an area of great extent. Those are supplied either by cuts from rivers, or the rains collected from the higher grounds; the supply is precarious, comparatively with the other above the Ghauts. Under the south-west monsoon the rains are more abundant and of longer continuance; there is comparatively very little irrigation; the fertile provinces of Malabar and Canara are not irrigated provinces. Under this state of fluctuation in the means of irrigation, and consequent fluctuations in the produce, a different mode of settlement had been the practice known by those who rented out the revenue in large contracts below the Ghauts, from what was the practice above. When it became necessary to survey and assess each field, extensive powers were considered to be necessary to enable the Collectors to get through with this work, and so far the authority of the Magistrate being added to that of Collector enabled him to overcome all resistance with greater facility. I should however explain, that during the time that the first ryotwar surveys were made, no courts of justice existed, and that therefore there was no appeal from the authority of the Collector in any of those measures, for commuting the payments in kind for payments in money, or changing the variable rate of money assessment to a fixed money assessment, except such as could be made to the Board of Revenue, or to the Governor in Council; and that under the practices and customary authority of the revenue officers under the native government, the powers of the Collectors were certainly extensive. But if the office of Magistrate had been continued under the Judges, and an appeal allowed to the Judge from the revenue authority, in cases of dispute respecting the amount of the taxation, it is perhaps not easy to say whether the work would have been accomplished with the same facility or not.

3603. Do you conceive, in point of fact, that the combination of authority you have described in the Collector has not been attended with abuse or oppression?—The case may be stated thus; that the Collector in charge of the ryotwarry provinces has a large body of native servants under his controul; sometimes from 2,500 to 3,000 of different grades; in those cases the difficulty is rather in controuling those native officers than pro-

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bably in preventing oppression on his own part, for I am bound to say that in almost all cases Collectors have shewn the greatest disposition of forbearance; but it is difficult on many occasions to resist the communications and recommendations of the native local officers, as well as to prevent their abuse of authority in the several departments intrusted to their charge, for a native officer of revenue is now not only an assessor, but he is a collector of the portion of the revenue over which he presides; he is Superintendent of the Police; he is Magistrate in cases of minor offences; he is empowered to inflict criminal punishment to the extent, I believe, of six rattans in small cases of petty theft, without being required to record evidence, or without the case being appealable to the Judge of Circuit; he is also of necessity purveyor of provisions for the troops marching through the district; and he executes the Collector's orders in every branch of the business intrusted to him. Numerous instances have occurred during the period I was in office of great abuses committed by those native servants in a great number of collectorships, and many Collectors have not been successful in all cases in restraining those abuses. It was this that led to that great difference of opinion which exists on the best mode of collecting the land revenue of India; the one party advocating that the employment of native stipendiary servants to a great extent all over the country has an advantage; while the other party equally contend, on the other side, that it is a system that is only calculated for the acquisition of revenue knowledge in the first instance, and ought not to be continued as a permanent measure of a wise and benevolent government.

3604. Do you conceive, then, the authority of magistrate to be chiefly necessary to the Collector for the purpose of controuling his own servants?—No; the authority of magistrate was added to that of collector, for the purpose of confining all authority to the revenue department in every branch; and not only with a view to prevent any clashing of authority between the Collector and the Judge as magistrate, but also, in the opinion of some, as a better measure of government than having a separate police and separate native Collectors in the same district.

3605. To what extent did the power of the Magistrate so vested in the Collector extend, without appeal, in the way of punishment?—I am not quite certain that I can answer that question. It is ten years since I quitted India, and those Regulations have undergone great change since that time. It extended only to corporal punishments, and confinement to a moderate extent, and to commitments for trial, according to circumstances, with certain cases open to the Judge of Circuit or the Criminal Judge; there is a Criminal Judge, though he is not a magistrate, to whom there is an appeal in certain cases. All felonies, except what a magistrate as a police officer may be considered as entitled to try, are tried by the Court of Circuit.

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3606. Can you state whether the authority of the Collector as magistrate extended to fine and imprisonment?—To fine and corporal punishment, under the European Magistrate's Regulations.

3607. During the period of your observations, were punishments to that extent extensively inflicted by the Collectors in the exercise of that authority?—I have no means of answering that question. I quitted India in the beginning of the year 1820, and the Regulation was issued only the latter end of 1816, so that it had not any great operation at the time I came away; and I do not recollect that it came under my observation, not being in the judicial department at that time.

3608. Are you able, from your observation there, or the knowledge you have acquired since, to state what have been the effects, beneficial or otherwise, of the adoption of the ryotwarry system upon the revenue, upon the condition of the natives, and the improvement of the soil?—As I have already explained, the ryotwarry system first commenced to be carried into effect in the year 1801 extensively; for the first ryotwarry assessment the surveys that were made were certainly conducted in a very imperfect manner, and it is much to be feared that in their results they were excessively oppressive. I have already stated that there was no appeal, except to the Board of Revenue or the Governor in Council, from the proceedings of the Collectors, in conducting those surveys; the consequence was, that they were conducted upon different principles in almost every province, and in their results were generally exceedingly high; that is, that the assessment was much heavier than the people could afford to pay. It did not leave those who had, under the native government, for a long period of years, been in the habit of rendering the dues of government in kind, to continue that practice; it did not permit those who had paid a variable money rate, arising out of circumstances of climate and of soil, to continue that variable rate; it compelled them to accept the terms of commutation offered by the Collector. It is true, that at a subsequent period considerable modifications and reductions have taken place in most of the ryotwarry provinces; but much remains to be done in order to effect the original object of the ryotwar assessment, which has been declared by the Government, by the Board of Revenue, and by the Collectors, to be in theory a moderate assessment on each field, to be paid in money under all circumstances, with whatever it may be cultivated. The former theory of the ryotwar was to leave the people to cultivate as little land as suited their convenience; to convert the field that then was without the means of irrigation, by digging a well, into a garden; to raise a superior produce of sugar, tobacco, or any other article, as it might suit their purpose, on the fields that had this fixed money

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rent. The practice has unfortunately differed from this; it was found that the rates were so variable and so unequal, that it became necessary for the cultivators to abandon very often good land, on account of the high rate of assessment upon it, and to take to inferior soils. This took place in the province of Dindigul to a very great extent indeed, and has more or less been the case in almost every ryotwar province; so that it became necessary, to meet the reductions of revenue that would result from this abandonment of land, to compel the ryots to take a certain quantity of what was considered good and what was considered bad land, in their engagements for their annual cultivation. This is of course an arrangement that they would not have consented to had there been a third party appointed to decide the case between them, or had not the authority of the Collector been considered such as it was useless to resist. In one small province of Letwaid, part of the Carnatic, the ryotwarry may be said to have been established on correct principles; it yielded six—from six to seven hundred pounds annually. It was a small district attached to a collectorate under the permanent settlement. He had much time and leisure to bestow upon it. The reduction of one-fourth he made was a sum that attracted very little notice. He proceeded also upon the principle of making a large deduction for the expences of cultivation, so that when the assessment was concluded the government tax was only two-fifths, the ryots were left with three-fifths of the gross produce; but unless the price of produce had been taken at a very moderate valuation, even this deduction in favour of the ryots might not have been probably beneficial, but the result of the whole has been certainly most satisfactory. I was in that province on a tour of pleasure in 1817; and, adverse as I had in general been to the ryotwar system, I have every reason to say that in this province at least it has tended exceedingly to promote the welfare of the ryots; and if there are no great fluctuations in price, which I very much fear there will be, it will also tend to increase the revenue of government. In Canara, which was originally acquired in 1799, after the fall of Seringapatam, the revenue had been paid time immemorial by proprietors of land holding their estates upon quite a different principle to that which existed in other parts of India, inasmuch as each man has his separate farm; he has his rice lands, his pepper vines, his garden land, and others, in one contiguous farm; and although that country is not irrigated, yet the abundant rains of the south-west monsoon render the produce much more certain than elsewhere; they have also had a very abundant export market in that province, which has now been in our possession very nearly thirty years. There has been no very considerable increase of revenue, that I am aware of; on the contrary, at one time it was decreasing. It was Sir Thomas Munro's opinion that the land revenue of that

province ought to have been reduced lower than he ever reduced it; unfortunately, the necessities of the government, which periodically occur, have prevented these reductions taking place. Up to this time, the export is pretty nearly the same, but the price has considerably fallen. There has been, I apprehend, an increased difficulty in collecting the land revenue of this province, though it may be considered the most moderately assessed of any under the Madras presidency. The export trade of rice to Arabia and foreign ports has unfortunately been prevented in seasons of home scarcity. I should explain, there is no manufacturing population in Canara; it is chiefly agricultural; but occasionally, when troops are stationed there or in the neighbourhood, there have been complaints of prices rising, when exports have been carried to an extent to raise the home price; the consequence has been, in my humble opinion, an unfortunate tampering with the trade, so that the cultivators there have at one time been deprived of the advantages of high price, and subjected to the loss of low price; and a danger may arise, if this practice continues, of inducing the merchants to go to Bengal and other ports in search of grain. The land assessment of Canara, being in money, will require to be reduced. It does not necessarily follow, that to perform all the ryotwarry assessments and surveys well, that those extensive powers should be held by Collectors, or that there should be no appeal from their proceedings; on the contrary, it is more than probable that great advantages would result from placing the Collectors and their native officers under certain controul in their assessments, and giving the people invitation and opportunity to apply to a third party to settle disputes between them. Under this impression, the Board of Revenue at Madras prepared in 1818, just before I quitted that Board, a Regulation for a ryotwarry assessment and collection in every province, and the utmost pains were taken to render it perfect, by submitting it to Sir Thomas Munro, to all the Collectors who were advocates for the ryotwarry system or had been instrumental in conducting it; and the rules were intended to be enacted in the mode and manner prescribed by Act of Parliament. Sir Thomas Munro's written opinion to the government of Fort St. George was, that it would be better to send this Regulation as instructions to the Collector rather than as law, and that recommendation was followed, for I am not aware that to this day any law has been passed for the guidance of Collectors, in assessing and collecting under the ryotwar plan. The errors of the ryotwarry, therefore, I beg to explain, are not a necessary consequence of that system. It may be done well, provided the local circumstances admit of it; but there is a great difference of opinion, whether all districts under the government of Fort St. George, so variously situated as to climate and to water, are equally adapted for the introduction of this system.

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3609. You are of opinion, then, that a great part of the evil of the ryotwarry settlement has arisen from the unequal and oppressive estimate of the value of land which formed the basis upon which it was introduced?—Most unquestionably. The anxious desire of the officers of revenue to keep up the revenue, at the beginning, necessarily led to a heavy assessment in the end. Sir Thomas Munro's plan, the most moderate of all, was to take the average of past collections, and to divide it upon districts, and then on villages, leaving the villages to assess their own fields, the Collector revising the entire of the assessment. I wish to explain, that in the province where ryotwar was first attempted, where there was one European Superintendent and three Assistants, they being, at that time, men of mature age—for Sir Thomas Munro, when he entered on that service, was at the age of thirty—the assessment of the three subdivisions varied in the degree of three and a half per cent. above the past collections; in one, twenty-nine and a half; in another, thirty-six and a half; the most moderate, it is due to Sir Thomas Munro to say, was in his division. The rates were not revised till the district was sold under the permanent settlement. The purchaser of those estates had, it is understood, as well from necessity as policy, reduced those rates in the largest proportion of the provinces over-assessed.

3610. Supposing it to be practicable, from experience, to arrive at a just estimate of the average value of the land, do you still think there are districts to which, from the circumstances of the seasons, a ryotwarry settlement would not be usefully applicable?—One great objection to the ryotwarry plan arises from the interference with village concerns, and the separation of the joint interests of the ryots; that interest is materially connected with the means of irrigation. The land is not so much the question of interest as the water, for without it, in the south-east monsoon, land would be of very little value; of course, in each village the land that is nearest the works of irrigation is the most productive. If a large reservoir is only three-quarters full one year, or half another, it still will bring to maturity the crops immediately under its bank. Those lands, therefore, instead of being the property of any one person in the village community, are the joint property of the whole community; the occupation of them is assigned to the community, either annually, or at periods of three or four years, and is settled by lots amongst themselves; so that a portion of that which is not liable to drought, and that which is less liable to drought, and that which never fails, is allotted to each class of cultivators, in proportion to his general interest in the village. In all the cases in which I was personally employed, no such thing as ryotwar had ever been heard of or applied for. I was present at the making of a three-years' village lease in the jaghire lands alluded to before; and I have made village settle-

ments myself upon the produce of two years; the first being a year of comparative drought, and the other a year of short produce. In that year a tank five miles long and fifteen miles in circumference, watering nominally fifty villages, but say thirty villages, was completely dry, and the bed of it sown with Indian corn. I know another instance where the lands of another village produced in the proportion of seventy-four in one year to two thousand five hundred in the next. Under these great fluctuations, and under the works that are to be performed in common for preserving the sources of irrigation and the means of irrigation in repair, it seems extremely difficult to understand how the ryotwarry assessment on the field of the individual, the collection of it from each cultivator, can be either acceptable or beneficial to a village community so situate. In the districts above the Ghauts, to shew how distinct the nature of the cultivation is, the hamlets attached to villages are quadrupled and quintupled the number they are below the Ghauts, shewing that the inhabitants separate themselves upon land that is not irrigated, and carry on their cultivation, as may naturally be supposed, separate and distinct. Any person who can procure a plough, or borrow one, can, above the Ghauts, under the superior abundance of the south-west monsoon rains, cultivate a few acres of land; but such is not the case below the Ghauts. And it is very rarely that the government have succeeded in obtaining persons whom they have been desirous of pensioning; for instance, the Nabob's army, when it was dismissed, the whole of them were offered waste land to cultivate, on what may be said to be their own terms; but I know not a single instance where the offer was accepted. I merely mean to shew by this that the nature of cultivation above and below the Ghauts is quite distinct, even in its effects on the return to the cultivator; and that therefore, though the ryotwarry may be exceedingly applicable, and probably beneficial, in districts above the Ghauts, it may be very doubtful whether it is adapted to provinces below the Ghauts; indeed, so much so, that I believe in the province of Tanjore, one of the most fertile under the Madras government, and most productive possessed by landed proprietors, to use that term as far as regards the ryots, who have a very valuable property in the land, and who have been always able to secure the benefit of it—the attempt at ryotwar has been abandoned, and the village leases, triennial or quinquennial, have been substituted; but I am bound to say, that in the northern division of Arcot, also a part of the Carnatic, and in the southern division, the ryotwarry has been attempted, and local surveys, conducted in the manner I have described, have been reduced by subsequent collectors; and it is understood, that even in the irrigated villages in those districts ryotwarry is considered by the gentlemen who made those reductions, and had the conduct of the re-

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venue affairs of that province, to be as well adapted to that province as any other; so that upon this subject there still exists a very great difference of opinion.

3611. What are the advantages of the zemindarry system, as compared with the ryotwar, as applicable to any particular district?—When the Company first acquired territory, they found an intermediate agency existed every where. Wherever territory has been acquired by conquest or by cession, at a later period, that agency has also existed; the agency has in many cases been permanent, in others only temporary. In all the provinces acquired in Malwa, it is stated that the revenue was collected by intermediate agents, under the denomination of Jaghiredars, or of renters, as they are called, farmers of the revenue, many of whom have continued for a long period of years under the native government to hold the land revenue. There is, as far as I have been able to trace, from investigation and from inquiry, no evidence whatever of either the Hindoo or Mohamedan government having collected the land revenue by ryotwarry, that is, by means of their own stipendiary officers. I have already stated, that in the Madras provinces ryotwar was not practised till the acquisition of territory in 1799; that in the Northern Circars, a territory yielding from twenty-five to thirty lacs of pagodas, it had been the uniform practice to make engagements with the Zemindars; it became necessary, therefore, to consider whether it was expedient to remove those parties for any better system, or to continue them in possession. Few persons doubted the expediency of making a permanent system, which might supersede the periodical annual settlements which had been made with them. Upon that point there appears to have been very little doubt. But when it became a question whether those zemindarries should be sold for arrears, and those came into possession of a third party not originally Zemindars, the principle came under discussion whether it would not be equally advisable to extend this mode of settlement to other territories, and to create Zemindars where they did not exist, that is to say, to place a landed interest between the government and the proprietor of the soil; for admitting that the ryots had the best right to be called proprietors, and that it was perhaps an error to call the Zemindar proprietor, yet still we had abundant evidence that there is a beneficial interest belonging to both parties. We had numerous applications; and numerous grants have been made to civil, military, and commercial native officers in every department of the government; and one, two, three, and more villages were granted as a reward for meritorious services. It is evident, therefore, that it is a property which natives covet, and which they are extremely desirous to possess. Those grants have been made without any other stipulation in favour of the ryots than that the grantees should deal justly towards them, previously to the courts of

justice being established, and by placing them under the courts since the courts have been established. In the province in which I resided so many years, there were at least three hundred villages of this description. I have every reason to say, that they were as well administered in their revenue capacity as those under the European Collectors; and I might add, that the ryots in those villages have been less harrassed by the changes which have taken place under European management than in the villages which have continued under the European Collectors and Superintendents. They have continued to pay their revenue in kind or in money, according to local circumstances, to those created Zemindars. In principle, there can be no distinction whether one village is placed under a zemindar, or ten, thirty, or an hundred, are placed under another. It is therefore unjust to one village to place them in that situation, or it is not unjust to place the whole. In this province of the jaghire, there being no Zemindars, except in the instance of three hundred villages I have named, the district was divided into small estates, consisting of ten, twenty, thirty, or according to the number of villages. The rights of government in those small estates were declared to be transferable to parties who were to become purchasers; the estates were put up to sale; I was present at the sale; I was not in authority at the time; I went there as a visitor; and I saw great competition, and an anxious desire was shewn to become possessed of this landed superiority, and much competition was excited. A large body of ryots were present, with great numbers of whom I had, from long residence in the country, been acquainted. I have not the least recollection of there being the slightest complaint of the government doing an act of injustice by transferring them to the authority of a third party; or that they expected to suffer more injustice from them, or less justice from them, than they had received from the European authority. Unfortunately, the assessment, as in every other attempt which had been made at Madras, was too high. Most of those purchasers failed to perform their contract, and many of the villages have come back into the possession of the government. The advantage, therefore, in this case, was the withdrawing the European Collectors from all direct interference with the cultivators of the soil; placing them under persons of their own habits and customs, capable of listening to their complaints, and of redressing them, it being their interest so to do; and introducing that system which had been in general practice throughout India, in the advantages of a third party, a Judge, to decide between them; and the Collector, if necessary, to add weight to the decision, being no longer the creator or assessor of the revenue; and permitting the management to be conducted according to the mutual interest of the parties; declaring that the purchaser had no right to levy any extra rate of demand, or any addition to

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existing rates. Of course, under this management, native servants were to be employed, as well as under European Collectors, particularly if any of the estates are extensive; but the controul of the native servants would be under the superintendance of a native accustomed to their habits, knowing their practices; and in small estates it enabled the parties to employ their own relatives in the collection of the revenue; it permitted commercial men, natives as well as Europeans, to negociate with such intermediate persons for the introduction of any other culture than that of edible grain; it permitted all parties who might possess money, whether acquired by trade or any other means, or even native servants who might have obtained money by improper practices, to invest money in those landed superiorities. Those were considered advantages which counterbalanced any of the evils which were supposed to arise out of the question. The evils are certainly not few, but they have arisen in a greater measure from the errors which have arisen in the making of settlements than in the principle itself; and it has happened in every one, whether permanent grants to the zemindar, or village leases, or ryotwar, one circumstance has pervaded them all—they have all failed upon that ground chiefly. The great question is, which is best calculated to effect the object of good government. The evils of over-assessment have led to much public correspondence, arising out of the sale and sequestration; the estates are liable to be subdivided for the liquidation of private debt under decrees of courts of justice, and certain other causes incidental to the management of them when they come under the hands of the Collector, or when the Collector sold under the then existing settlement. It was the principle of a permanent settlement with the Zemindars to take two-thirds of the gross collections in money of the previous year as a standard; but it was not permitted to the Zemindars to point out how injuriously that might affect their interests as far as regarded the change in local circumstances, and so forth; there was no third party appointed as a referee. The evils that have arisen under the permanent settlement may be obviated, should that be a system which is declared to be the best to be adopted, hereafter. Other objections are made to it, as closing the door to the attainment of revenue information, leaving the Collectors in the dark when they have any duty to perform, or in respect of any estate or zemindarry that may fall into their hands. This is certainly true, but it does not necessarily follow that it should be so, for there cannot be the least difficulty in carrying on surveys under the zemindarry settlement as well as any other. No objection would be made by a Zemindar to a survey being made of his territory, or it might be provided for in the first instance; all that he would object to would be, that you should not interfere with him in the assessment of his ryots, or the alteration of the demand government had made upon him. The

abandonment of the permanent settlement being resolved on—positive orders exist that it should no longer be attempted—it is not perhaps of great importance to say more upon the subject. I wish to add, that the zemindarry system is supposed to be preferable in lands that are liable to great fluctuations, from the money contract being upon a greater scale, and in most cases supposed to be made, or at any rate able to be made, with persons of capital, which no ryot, either under the ryotwar or a village lease, can possibly possess. It also enables the individual to controul circumstances of remission, in cases of drought, with much greater success than the European officers can; and it must be evident that any contract in money, with whomsoever made, must be liable, more or less, to the circumstances of season and of drought to a great extent; and though under the permanent settlement it was not intended that remission should be granted, except in very peculiar circumstances, yet, as far as regards the cultivators themselves, it would be absolutely necessary that those remissions should be annual or periodical, to a certain extent, in almost every province. It was also thought that the works of irrigation would be better looked after, and better managed, under individuals, whose interest was so materially connected with them, than under the officers of government; that the abuses which had been practised in carrying those repairs into execution, with the frauds committed in the advances of money to aid cultivation, where they had been made to poor ryots, would be rendered unnecessary on the part of government; at least that the frauds and embezzlements in repairs to which government had been subjected while carrying them on under the controul of their own officers would also be prevented. For these and many other reasons, following up the principles laid down by the Bengal government and the Court of Directors and authorities in England, at one time it was considered desirable to extend this system generally. It has its evils—it has its good.

3612. Have the Zemindars been in general found possessed of sufficient capital to do justice to the advantages of the zemindarry system, as affording the means of meeting the changes arising from the inclemency of the seasons?—Zemindars, in the old territories of Madras, must be taken in the light of princes; they were rajahs; they were brought up in all the pomp and ceremony of a petty court; they were certainly not the best calculated for a good revenue administration, but they were not fit for any other administration; and, after all, it was necessary to continue them. Where the estates were settled, or where the Zemindars were created, those who bought them, or had them conferred upon them, knew perfectly well what they undertook, and were perfectly competent to the management of them; so far then—I do not mean to say that the Zemindars hereditary and Zemindars by purchase have not

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occasionally been guilty of oppression, or that they have not occasionally mismanaged their districts, but I mean to say that, generally speaking, when people have understood their own interests, they have in general followed that course of measures which was likely to promote it. I can only speak from hearsay; but with all the errors of the Bengal system, I believe the southern provinces, so far as I have been able to learn, are in a flourishing condition, far superior to any of the territory under the Madras government, both as regards the produce and the internal commerce and export of the produce of the soil. So far as regards the Northern Circars, the success, with reference to the revenue, the tranquillity, reduction of the troops, and the power of collectorial interference with ryots, has been eminently successful; and in progress of time, when a better educated race of men rise to the management of their patrimonial estates, I look forward to very satisfactory results. In three large western zemindarries, settled in 1802, there has been, so far as I have been able to learn, no default of payment whatever, nor any vexatious interference with the internal management of the country, nor any complaints made, more loud or unusual than in other parts, of oppression on the part of those great western Zemindars.

3613. Can you state whether the respective merits of the different revenue settlements are the subject of frequent consideration among the natives themselves, and whether the more intelligent give a preference, with reference to their own condition, and the improvement of their property?—One of the great difficulties which attend a just consideration of these important questions arises out of the little communication which had been had with the natives on the subject. They were not asked whether they liked ryotwar, and certainly were not asked whether they liked Zemindars better, or a village lease, except in the case of Tanjore; there the Committee, of which I was one, did apply to the natives, to know whether they would prefer village lease to ryotwar, and they gave the preference to village lease. In those cases where I have had personal communication with them, I have reason to know that in all irrigated lands they would prefer paying the revenue they owed according to the Hindoo practice. I also know that great difficulties did oppose the introduction of payment in grain or payment in kind in those provinces where ryotwar was first attempted, such as the countries ceded by Tippoo in 1799, and the Nizam in 1800; but those difficulties were of course removed by the Collector not permitting any other course of assessment to prevail. I believe that in all cases where it has been optional with the parties, they have uniformly preferred the payment in kind to the payment in money; but I am bound to explain that this objection probably has been chiefly founded upon the high rate of demand in money, rather than a reluc-

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tance to pay in money. It is not improbable the money payment might be so much reduced as to make it acceptable to all classes. The question then would be narrowed into, whether it should be an assessment individually, or whether it should be by villages collectively; and if it were left optional also, and left to the consideration of the natives, the question would be still further simplified; and we should proceed, leaving it entirely optional, for that would be the true ground of assessment —entirely optional with the parties to accept the terms proposed to them, or on their refusal to pay, collecting agreeably to the previously established rates. Were such a course pursued, we should be sure we were not doing an act of injustice. When the terms were accepted, it would then only resolve itself into the practicability of the payment in kind enduring with any sort of justice under the great fluctuations of produce, the great diminutions of commercial capital, and other causes, which have reduced the value of produce under the Madras presidency.

3614. Which of the systems has been found most favourable to the introduction of a new species of culture, and to the promotion of internal commerce and exchange of commodities?— I do not think that any of the systems have had a sufficient trial to enable me to speak decidedly on that point; and unfortunately the attempts at the introduction hitherto of a new species of culture have not been attended with very great success. I have a list which I prepared some time ago of the attempts which were made. The result is, that an attempt was made in 1796 to 1803 to introduce the culture of sugar, under some gentlemen, in the Ganjam provinces; the result was unsatisfactory: in fact, as far as it has hitherto gone, both for silk and for cotton, and other things, all the attempts hitherto made for an alteration in the nature of the culture have not been attended with success, with the single exception of the cultivation of Bourbon cotton in the province of Tinnivelly. In that province, owing to favourable circumstances of soil and climate, a considerable extent of ground is cultivated with superior seed received from the Isle of France; but the climate has opposed the extension of the culture of that article. I should say, so far as my humble opinion went, that the zemindarry system was better calculated than any other for the introduction of the culture of any exotic, or introducing a better species of cultivation through the means of capital, to be employed either by Europeans or by rich natives, inasmuch as much greater facility would be afforded in conducting the arrangement with the Zemindars than there would be with the native officers of the Collector, or with the Collector himself. Indigo, although cultivated under the Madras presidency to a certain extent, is not an article that has been attempted in every part, or very generally; whether it might or might not, would depend en-

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tirely on the views that individuals might take upon the subject; but certainly their arrangements would be materially facilitated if they had to make their agreements for land, or with the cultivators of the land, unshackled by arrangements with revenue officers in the pay of government. It does not follow that a gentleman might not give considerable encouragement, and might not facilitate, in certain cases; but speaking generally, I should say that the natives would prefer negociating with natives for land for those purposes, to undertaking it under the controul of a Collector. This is a list of instances where, under the Madras territory, attempts have been made to cultivate silk, cotton, cochineal, and other articles, during the time I was in India.

The witness delivers in the same; which is read, and is as follows:

PRESIDENCY OF FORT ST. GEORGE.

District.	Date.	Nature, Extent, and Object of Grant.	Result.
Ganjam	Between 1796 and 1803	Grant of land for the erection of sugar works, to Messrs. Smith and Colley, reverted to a Mr. Dick. The making of rum tried; sugar was not cultivated by these gentlemen; the cane was bought.	Unsatisfactory
	1800 to 1803	A lease of two pergunnahs, containing many villages, to Major Evans, superintendent of the Company's stud, to facilitate the breeding of horses. Cocoa-nut plantations on a great scale were tried. Major Evans was here a farmer of revenue, or European Zemindar.	Unsatisfactory as regarded the breeding of horses and rearing cocoa nuts.
Vizagapatam	1795 1804	A lease of many villages to Messrs. Campbell and Keating, for the cultivation and manufacture of indigo, &c. These gentlemen were European Zemindars during the period of their lease.	Unsatisfactory as regarded indigo.
Rajahmundri	1793 1800	A grant of land to Dr. Roxburgh, near Samulcottah, for sugar plantations and exotics. This grant was not of any great extent, and did not include the superiority over any native village. Pepper tried, I believe.	Unsatisfactory and abandoned.
Guntoor Masulipatam	1794 1796	Various grants of small plots of ground were made in these and the provinces named above, for the creation of mulberry and opuntia gardens, for the rearing of silkworms and of the cochineal insect.	Unsatisfactory as regarded silk and cochineal.

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District.	Date.	Nature, Extent, and Object of Grant.	Result.
Nellore and Ongole	1801 to 1804	Grant of privilege to work copper mines to Captain Ashton, H. M. 12th regt.	Unsatisfactory as regarded copper.
Company's Jugeer	1793 1795	Grant of land (part endowed land of a pagoda at Vulloor) to Mr. Popham, for the cultivation of Bourbon cotton and mulberry plants; not a grant of village superiorities.	Unsatisfactory
		Transferred to Mr. Wm. Webb, who tried rope-making from the Alve.	Unsatisfactory
		Grant of land to make mulberry plantations, to Mr. Robert Wolfe and to several natives. *N.B.*—In all cases of grants of land (not being entire villages,) the possession and occupation of the land was obtained for buildings and plantations for mulberry trees by private agreements made with the cultivators.	Unsatisfactory
Company's Jugeer	1793	Large occupation of land at Vellout, fifteen miles from Madras, under a Company's superintendent, for a mulberry garden and silk filature. Expensive works erected.	Failure.
	1793 1795	Grant of land and lease of villages to Messrs. Roebuck and Abbot, for the cultivation of indigo, &c. Expensive works erected. Much correspondence with the collectors and the government.	Failure.
	1795	Nursery for trees and bamboos on an extensive scale, by the collectors at Parambaucum.	Failure.
	1784	Grant of land to establish a weaving village, &c. to Mr. Jordan, near St. Thomas Mount, fifteen or twenty miles from Madras.	Failure.
Cuddalore South Arcot	1802 to 1805	Grant of land for a sugar manufactory, to Mr. Campbell. *N.B.*—Not certain whether the sugar-cane was cultivated by Mr. Campbell or purchased from the natives.	Failure as regarded sugar.
Barramahal	1793 1795	Grant of land for the rearing of exotics, and experimental agriculture and horticulture, to Mr. Meyther.	Failure.
	1804	Grant of lands for indigo works.	Going on.
	1812	Grant of lands for indigo works.	Ditto.
Arcot Tinnivelly	1793 to 1808	Establishment, under commercial resident, of plantations of cinnamon and nutmegs, and coffee plantations. Introduction of the cultivation of Bourbon cotton. The Bourbon cotton has suc-	Successful as regards cotton; abandoned as regards cinnamon, cof-

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District.	Date.	Nature, Extent, and Object of Grant.	Result.
Arcot Tinnivelly	1793 to 1808	ceeded; the cinnamon and coffee culture has been abandoned. The Bourbon cotton cannot be greatly extended; the plant thriving only either in a peculiar soil or climate; the latter most likely.	fee, and nutmegs, owing to the acquisition of Ceylon.
		Grant of land to Mr. Young, son-in-law to Dr. Anderson, and afterwards to Mr. Hughes, for cultivation of cotton manufacture, of indigo, &c.	Failure as regards Mr. Young, Mr. Hughes going on.
Malabar	1792 1808	A lease of village and grant of land to Mr. Murdock Brown, for various purposes, rearing of pepper, &c. entailed much correspondence and discussion.	Successful, it is believed, as concerned Mr. Brown.
	1792	Grant for the erection of a saw-mill, and advances on the Company's account by Governor Duncan.	Failure, with much loss.
		Experiments, successful Efforts of Europeans.	
Mysore	1800	The introduction of the potatoe into Mysore. It has become an article of export to Madras and elsewhere.	
Bangalore	1805	The introduction of the apple, peach, strawberry, and other fruits.	
Nalgony Hills	1818 to 1820	Introduction of European fruits, &c. on the mountains of Nalgony.	
Tinnivelly	1796	The introduction of Bourbon cotton.	
Arcot & other provinces	1800 to 1805	The manufacture of indigo in an improved process from the cold infusion.	
	1793	The introduction of all sorts of articles manufactured in tin; now a most extensive native manufacture in every large town.	
	1801 1802	A canal dug by Mr. Cochrane, opening a communication between Madras and Pulicut, highly successful.	
		The improvement in stamping, instead of painting cotton goods, and introduction of improved patterns.	
		An improvement in the manufacture of steel.	
		The cultivation of coffee is spreading in Mysore and Bengal, it is said.	
		The cultivation of oats in Bengal and Behar.	
		N.B.—The occupation of land and farms of land revenue by Europeans increases the public correspondence with judges and magistrates, collectors and	

District.	Date.	Nature, Extent, and Object of Grant.	Result.
Arcot & other provinces.	1801 1802	the government; but I am not aware that under any of the grants and leases enumerated in this list the European grantees were oppressive superiors. Their native servants, like a collector's native servant, occasionally domineered and oppressed, and were perhaps able to conceal their oppressions from their master till complaint was made to a higher authority.	
		Silk at Bungalore.	
		Indigo in Tanjore, Salem, and Tondiman's Country.	

3615. Can you suggest any regulations under which the growth of any foreign articles of produce might be more effectually encouraged than it is at present?—The best encouragemant, I think, would be to leave the parties to settle themselves the terms on which the land should be cultivated or should be procured, or to facilitate the object of it by the removal of inland and export duties on the article.

3616. Would not the settlement of a greater number of Europeans, possessed of capital, in the country, tend to the increased growth of other produce?—I should certainly think the only chance there is of much increased growth taking place would be the introduction of increased capital, or Europeans setting the example with the introduction of increased capital.

3617. Should you apprehend any influence to arise, as connected either with the peace of the country or the happiness of the natives, from an increased settlement of Europeans for those purposes?—None whatever, provided the Europeans were placed under adequate controul, and were made amenable to local laws for cases not amounting to that which will bring them under the jurisdiction of the King's courts. Foreigners, not being British subjects, are at this time amenable to the local courts; and the only question would be as to the number. I conclude, that in the first instance their establishment must be very gradual. Of course, no person, such as an artisan or labourer, or persons without capital, can find employment in any other way than by superintending the works of others.

3618. Do you know of any instance in which Europeans have settled in the Madras territory?—Yes, I know of some; they are enumerated there.

3619. Is there a favourable or an unfavourable feeling generally prevalent among the natives towards European indepen-

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dent settlers?—I should say that the number of those settlers under the Madras presidency bears no proportion to those under Bengal. I do not know that at this moment there is a single settler in any of the provinces under Madras, or that the number exceeds three or four, at any rate. There were grants of land, which may be called European zemindarries, granted for the cultivation of indigo; and parcels of land granted for the cultivation of the mulberry, for silk, as enumerated in the list I have delivered in. There was also a grant of land for the cultivation of Bourbon cotton. It was obtained by purchase from the inhabitants of the village; and, what is singular, the revenue on the land belonged to the temple of the village; the right of the government therefore had to be purchased from the officer of the temple for the time, and from thecultivator of the soil also. This land, from the abandonment of the project, reverted as revenue to the temple, and the land to the cultivator. Disputes and correspondence with the Collector, and with the Board, and with government, did certainly take place to some extent with those European settlers; but I am not aware that it can be said, generally, that the natives had any objection to be placed in communication with Europeans, in cases where they are under adequate controul, or where they are men of education, and disposed, as they are in most cases, to do justice to all around them.

3620. Are you of opinion that natives might not be more generally employed, and in offices of a higher description, than they are, both in the administration of justice and the collection of the revenue?—Certainly. I think that natives may be gradually made fit for employments in the higher situations of revenue, judicial, commercial, and even political. To a certain extent, the experiment has been tried, since the Regulations of 1816, of extending the jurisdiction of the district Judges, with much success. A further experiment has been tried, of creating a native Judge in the town of Seringapatam, where an European Judge formerly presided; and I have no doubt that the result will be satisfactory, wherever the selection is properly made. There must be occasional disappointment, no doubt; but unless a commencement is made, no favourable progress or result can be expected. When I state this I also wish to state, that in the revenue department I should consider that a native is quite as fit to be the administrator of a province, and of his own concerns, as he was to be employed in those situations of the judicial department; that consequently there appears, in my humble opinion, a great inconsistency in advocating, that in the revenue department no man shall become possessed of a territory, or have the management of a territory; that all our institutions shall be ryotwar, and all money revenue collected by means of stipendiary servants. It would follow, that a man, being capable of judging on the private fortunes of others, and competent, in a criminal case, to act as a juror, or probably in

the higher office of a Criminal Judge in minor cases, was not fit to be trusted with the management of twenty or thirty villages as his own property, without fear of his oppressing those under him, or being guilty of acts of extortion and injustice. I am therefore of opinion, that it would be wise to promote the natives to offices of higher trust in every department, gradually, and under due selections made for the purpose. There is a college established at Madras for the purpose of educating pleaders in the courts of law, officers and pundits, and examining all those who are candidates for office in all those laws. I think I have heard that it is intended to extend it to revenue officers to be employed in the interior. Advantages have resulted from it in the judicial departments, and I have no doubt the benefits may be made much more general.

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3621. What education would you give in the college to the persons intended for the revenue department?—When I stated that I believed it had been extended to the revenue department, I spoke from hearsay. I do not myself know what objects the promoters of the plan of extension have in view; but I should say, that the great outline and leading principles of revenue administration might be laid down to natives in the college, and the necessity of departing from the practices of the native government be pointed out; that the object of the government was to protect the ryots under all circumstances, and to make justice a superior consideration to revenue; but so far as regards the details of revenue management of the country, they can be acquired only in the interior provinces.

3622. The instructions in the college would therefore be moral, not practical?—Certainly.

3623. At what period did you make this paper of the experiments of Europeans?—It was made at the request of a Director, about six or eight months ago; and I applied for it back again the other day.

3624. Have you any information as to the presidency of Madras, which would enable you to speak upon this subject, subsequently to the year 1805?—I quitted Madras in 1820; that is the latest period to which I can speak; but I do not know of any experiments, except an indigo plantation formed in the small province of Tondamar, a small district excluded from all jurisdiction of our courts of justice. There is a manufacture of indigo carrying on there, I am told, by an individual. I believe that is the latest. That is the only one I personally know of.

3625. Subsequently to the year 1805, there appear to have been only two grants to individuals for the purpose of experiment in cultivation, one in Malabar in the year 1808, to a Mr. Murdoch Brown, another in the year 1812, in Barramahal, for indigo works; are you aware whether there have been any other

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lands granted, except in those two cases, during the last twenty-five years?—I should say not; even the applications have been very limited.

3626. Are you aware of any applications having been made and refused?—No; I rather believe that when they were made there has been no reluctance that I am aware of; indeed, in the southern provinces, for the cultivation of cotton, there has been a grant made in Tinnivelly, to a Mr. Hughes, that has been extended, I believe, and he has since become the contractor for the supply of Bourbon cotton in that province, and the commercial residency has been abolished.

3627. Can you say that any of the land that had been thrown out of cultivation which was peculiarly liable to suffer from fluctuation of season, is under the zemindarry system?—Yes, a great deal; almost all the lands under the zemindarry system are below the Ghauts; and therefore all irrigated lands, to a certain extent; not the whole, but a proportion, are liable to a fluctuation under the south-east monsoon.

3628. What has been the comparative result of the ryotwar system and the zemindarry system, with respect to the persons it affected?—I have endeavoured to explain, in the former part of my evidence, that the ryotwar in the first instance was exceedingly ill done; that it was conducted without specific rules, without specific laws, or without the people being first adequately under the protection of the law. So far, then, as I have stated, the effect of the ryotwar has been extremely injurious; but I wish at the same time to add, that I believe the necessary consequence of the ryotwar, if well conducted, as I have illustrated in one small province, has been attended with extremely beneficial results to the people. I am therefore only desirous to draw the attention of the Committee to the general principles of the two, that a third party should decide between the conflicting opinions which exist among the civil servants of the East-India Company, which of the two systems possessed the soundest principles in themselves, not only as regards revenue but the internal government of the country.

3629. What has been the result of your own opinion on the most improved system of each, since the period they have been commenced by government; whether beneficial in the places where the ryotwar system has been established, or in those parts of the country where a zemindarry establishment had been made?—Both systems having been very badly established under the Madras Presidency, great evils have followed from both. Over-assessment has been the case in both systems. The Zemindars have suffered under the zemindarry system; but the ryots have not suffered under the zemindarry system the same as they have under the ryotwar system, where that system was badly introduced.

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3630. Has not the result of the zemindarry system been to bring a vast quantity of land that was in the possession of the Zemindars to sale?—Considerably. It was the necessary consequence of over-assessment, that the land should be sequestrated when the revenue could not be paid.

3631. Can you state what proportion that has been in that part of the Madras presidency where that system has prevailed?—The total amount that was permanently settled amounted to twenty-eight lacs of pagodas; but I cannot state the quantity sold. Nearly the whole of the jaghire sold under the permanent system has reverted to the Company, owing to the exorbitant amount of the permanent assessment.

3632. You stated one of the objections to the union of the power of the Collector and the Zillah Court was, that there was a want of a third party to whom reference could be made, which was a court of justice?—Yes.

3633. Do you recollect that one of the great objects of making that arrangement with respect to the union of those two powers was, that the courts of justice to which the ryots could previously appeal were found quite insufficient for their protection?—I have heard that stated, certainly, and it has been very generally stated so in Bengal; but that certainly was not the case at Madras. Either the people, from long experience of European character, or some other cause, had found their way to the court; and I think that the instances I have stated shew that they knew where to appeal when they were oppressed.

3634. Were not the courts found, in many instances, in the Madras territory, insufficient to defend the ryots from over-assessment and undue collections, from the poverty of the persons, and from their apprehension of incurring resentment by appealing to the court?—Certainly not, at Madras, to any extent to deserve a general answer; that particular instances have occurred there is no doubt, but not to deserve a general answer in the affirmative.

3635. Was not that one of the grounds on which Sir Thomas Munro placed that separation?—It was so; he pledged himself, before the courts were established, that that would be so. It was stated by one party, that we had established courts of justice to which the people would not go; it was stated by another party, that the people would be drawn to the courts on all occasions, and the cultivation would suffer; it has been stated, that a great inconvenience has arisen from letting in a torrent of arrears, consequently that the courts of justice, instead of taking up the administration of justice from the period at which they were appointed, were overburthened with arrears. In these three propositions there is somewhat of inconsistency; because, if there had been an administration of justice before the courts had existed to any beneficial purpose, there would

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[illegible] been no arrear. Then, if we had created courts to which the people would not go, there would have been no subsequent business; the appeals would have soon been disposed of. Then, if the administration of justice cannot take place when the people are under Zemindars, how can justice be administered when the ryots are placed under the controul of subordinate native officers?

3636. The ground upon which the question proceeded was not a supposition that the administration of justice did not take place at all with respect to ryots, but that it did not take place very beneficially for their protection?—I meant that the administration of justice is insufficient for the protection of the ryots, both under the one and under the other, but I think it will gradually lessen itself.

3637. You stated that the assessment under the ryotwar settlement had been one of the great defects of that system?—Uuquestionably.

3638. Do you recollect the result of it at first, under Sir Thomas Munro?—Perfectly.

3639. Are you aware of any means so effectual, for ascertaining the capabilities of the country to pay revenue, as the ryotwar system, supposing it to be well applied?—It is certainly well calculated to discover the resources of a country, from a survey of every district to form a record of assessment and collection; it did not follow that because the revenue survey was necessary to discover the extent of the land under the village system, and the general resources of the country from the actual collections, that it was necessary to alter the assessment that might have happened to pre-exist. The assessments were on certain principles; they might have been modified, and the survey gone on; but in the ryotwar was introduced the distinct and predominant feature of assessing all in money—assessing each field, and the whole collected by the officer of government, and no intermediate agent.

3640. Was not it Sir Thomas Munro's plan to establish the ryotwar system in the first instance, for the purpose of ascertaining the capabilities of the country, and afterwards with the avowed intention of reducing the assessment twenty-five per cent.?—Certainly; it was his object to reduce it in all cases.

3641. Then the ryotwar system was carried into effect according to his advice and under his view, but the reductions were not subsequently made; they were sold before the proper reductions?—No; that district has not been sold; no ryotwar district has been sold, except one.

3642. He proceeded with that intention?—Yes.

3643. Do you think, supposing that reduction had been carried into effect, they would have been too highly assessed?

In money, certainly; I consider that in the fluctuations of price the reduction of twenty-five per cent. will not meet the fall in price; and during the time that the triennial leases, which were substituted, perhaps improvidently, in those provinces, during Sir Thomas's absence in England, the result was, the renters themselves greatly reduced Sir Thomas Munro's rates; and though I learned at a subsequent time that the twenty-five per cent. was ordered, that will not, I fear, meet the reduction in the prices of edible grain throughout the presidency.

3644. The intention of Sir Thomas Munro was a reduction to bring it to the ability of the people to pay?—Yes; the only question is, whether the money price can stand at all.

3645. You stated that there were some alterations made under the express directions of the government at home?—Yes.

3646. That was under a dispatch that went out in the year 1813?—About that time.

3647. Was not the purport of that dispatch in order to make use of the punchayets to a much greater degree than they had previously been used?—It was.

3648. Has that been carried into effect?—It has.

3649. To what extent?—It formed part of the original question; but it was Sir Thomas Munro's opinion, that the forms and machinery of the Regulations greatly impeded its establishment, and rendered it nugatory. The result was, that in his amended code he introduced other regulations, which he thought fitter for the purpose. The result of that has not been satisfactory; but that part of it which went to transfer the native Commissioners for the deciding of suits into district Judges, with fixed salaries, has been attended with very good results.

3650. How far would the modification of punchayets to the form of juries be beneficial, in your opinion, to the administration of justice in India?—In the province in which I was placed in early life there was no provision for the administration of justice. I was directed, on all occasions, to adopt the principle of the punchayets; and I so instructed others, when the superior native officers were directed to use their influence to refer cases to punchayet before the parties came to the Collector. I have been called out to write a letter, to go down to the government office, while investigating some claim as to landed property. I used my utmost endeavours to make the punchayet efficient. I do not mean to say there were great efforts made for the drawing up regulations, as have been since done, but it was attempted to make the greatest possible use of them; but I am bound to say the result was exceedingly unsatisfactory, both to the people and to myself. I could seldom get the people to accept it; and when they did accept it, it generally

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come back with two decisions, one by one half of the punchayet, and the other by the other half, with very often charges of corruption of one party against the other; and I have often met with cases of punchayets with decrees proper, carried into effect under the proper authorities. I do not mean to say, that under an improvement this judicature, if established on better principles, may not be made an effective instrument, and be usefully employed where they have not ultimately to decide in courts both civil and criminal.

3651. In your opinion, are the natives better satisfied with the decisions they receive from the native officers, or from Europeans?—Undoubtedly from Europeans. Their uniform language is, "We are here; pray decide it; do not send us to a third party." But whenever there is an appeal from the decision, it is absolutely necessary, to prevent delay, that there should be native instruments employed in the first instance.

3652. Supposing the same case might be decided by an European or by a native jurisdiction; which decision would they be most satisfied with?—I should say an European decidedly; though I have not been in the judicial department myself.

3653. Do you think it would be a benefit to the administration of justice, if there were a native juror, not exactly in the shape of a punchayet, but under the superintendence of a European Judge?—I should say certainly the experiment might be tried in those districts where intelligent natives might be procured to try matters of fact. The trial of native soldiers by native officers in the army proceeds pretty much upon the same principle—a body of natives assemble to try natives; and they might there, as they do here, try the fact.

3654. Do you happen to be acquainted with the manner in which they have introduced the trial by jury in Ceylon?—No, I am not, except by conversation.

The witness is directed to withdraw.

Ordered, That this Committee be adjourned to Tuesday next, one o'clock.

Die Martis, 11° *Maii* 1830.

The LORD PRESIDENT in the Chair.

— —

ROBERT DAVIDSON, Esq. is called in, and examined as follows:—

11 May 1830. — *R. Davidson, Esq.*

3655. IN what situation are you?—I am a merchant in London; I was originally an indigo planter in India.

3656. At what time did you first go to India?—In 1804.

3657. When did you quit it?—In 1816.

3658. Did you go out originally as an indigo planter?—No; I went out to push my fortune in mercantile pursuits. [illegible] May 1830.

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3659. You went out with a view to commerce?—Yes.

3660. Not in the employment of the East-India Company?—No.

3661. Did you go out under a licence from the East-India Company?—No; licences were not then usually granted.

3662. Was it possible at the time to go to India without a licence?—Yes, it was, irregularly, I believe.

3663. To what place did you first go?—To Calcutta.

3664. In what branch of business did you first engage?—In mercantile business a short time, and afterwards I went into the indigo planting.

3665. How long did you reside in Calcutta, and at what other place did you chiefly reside?—Chiefly at Bhaugulpore.

3666. How far is that up the country?—From 250 to 300 miles from Calcutta.

3667. When did you first settle at Bhaugulpore?—In 1807, I think.

3668. Was that with a view to the cultivation of indigo?—It was.

3669. You never removed afterwards to any other place?—No. I came from that place to England.

3670. Were you employed by any house of agency, or was it on your own account?—It was on my own account.

3671. Had you any partner?—I had a partner part of the time.

3672. You were not concerned in any house of agency in Calcutta?—No.

3673. Did you receive advances from any house of agency?—Certainly.

3674. Did that form a large portion of the capital then invested?—A very large portion.

3675. What interest did you pay?—The interest was some part of the time ten per cent., and part of the time twelve per cent.

3676. What was the extent of the plantation you formed?—Very extensive. I fancy my indigo plantations extended in patches over sixty or seventy miles along the banks of the river on both sides, from above Bhaugulpore to Rajemhal.

3677. Had indigo been planted there before?—Yes; not to the same extent; I extended the concern.

3678. Can you state the number of acres?—I believe I have had as much as a hundred thousand begas on my list; some part

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of my plantations were in Bengal Proper, where the bega was small, but it is larger up the country. They were about two to the acre, I should think, on the average.

3679. Will you describe generally the system of cultivation you pursued?—The system of cultivation I generally pursued was by advances to the ryots; and they either delivered the weed at the factory, or I removed it at my own cost.

3680. What interest had the ryots themselves in the cultivation?—They had an interest; they received a stated price for it in proportion to the quantity delivered.

3681. What was the nature of the agreement you made with the ryots?—The nature of the agreement I made with the ryots was for them to receive so much money in advance, and they agreed to deliver so much of the weed at a certain price.

3682. Did you find a great disposition on the part of the ryots generally to engage in the cultivation?—Very much; I never had the smallest difficulty in my part of the country in getting as much cultivated as I was diposed to take.

3683. Is it a system of cultivation that requires any particular degree of skill?—In the cultivation good culture, but no particular skill; it required skill in the manufacture, but not in the cultivation.

3684. Have you observed any difference in the habits of the ryots engaged in that species of agriculture as distinguished from others of the population?—No, not at all.

3685. Are there any obstacles to the extension of the cultivation of indigo in India which you conceive might be removed?—I conceive that permission to hold lands would be a great advantage. The extension of the cultivation of the article must depend upon the remuneration or price which it meets with in the great market of the world.

3686. What is the interest you had, yourself, in the lands you cultivated?—I had no interest at all in them.

3687. You had, probably, a lease of the ground on which your manufactory was established?—Yes, a perpetual pottah.

3688. Are you of opinion that if leases were granted a material extension of the cultivation would take place?—I think it is extremely probable, if the article maintains its price, or rather advances in price; it must depend upon that point.

3689. What is the duration of lease you would think requisite to give the utmost encouragement to the cultivation?—I should think that holding lands in fee-simple would be indispensable, not only in the cultivation of indigo, but for the good of the native population.

3690. You think that a long term of years would not be

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sufficient for the purpose?—A long term of years would not be so good as a perpetuity.

3691. You had reason to be satisfied with the industry and regularity of the native population, as far as you were concerned?—Very much so in general; I think them an exceedingly amiable and interesting race of men.

3692 Should you, from your general observation on their character, conceive them capable of employments of a higher description than those they are generally permitted to exercise?—In the progress of events and time, and with improved education, particularly by their being instructed in the useful arts and sciences common in Europe, with which they are at present unacquainted, I think they certainly would be.

3693. Was the district you inhabited peaceable during the time you resided there?—Perfectly so. There was one occasion—a house-tax in the town of Bhaugulpore itself, during the government of Lord Minto,—on which a good deal of ferment was excited in consequence of misapprehension on the part of the native population, and the fear of the oppressions of the subordinate officers when a little popular excitement appeared.

3694. What was the nature of the tenure of land in the district?—Generally held by Zemindars in chief, and by them relet to the ryots on pottah. The conditions of a pottah are so various, and so variously construed, it is a difficult matter to define what the tenure exactly is.

3695. From your observation, should you consider that species of tenure favourable or unfavourable to the improvement of the country?—I think it would be requisite, in order to carry forward the improvement of the country, that that tenure should be much better defined, and much more liberally extended.

3696. Did the taxation of land in that part of the country which fell under your observation appear to you to be pretty fair and equal?—The government assessment was very variable, and bore very differently in different parts of the district. Taking it upon the whole, I should think it was decidedly too heavy; that it absorbed too great a proportion of the net produce of the land.

3697. Was that what was commonly called the permanent settlement?—Yes; the permanent settlement was applicable to that part of the country.

3698. It has been stated in evidence, that some of the Zemindars made a profit equal to the revenue?—They ...ow- some cases. ...ultiva-

3699. In what mode did the rich Zemindars, with w... had intercourse, spend their income?—A great man...s at pre- were very much in the leading-strings of the people ab..., and the a great many of them were in debt and diffic...

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a great many of them squandered away a large portion of their income in litigation.

3700. Did the ryots shew a disposition to consume articles of luxury, as far as lay within their reach?—If they had had the means, I think they were very anxious to get clothes, hardware, glass ware, and articles of that description.

3701. Were any of the ryots enabled to accumulate any thing like capital?—In some cases. I have known instances of ryots being worth three or four thousand rupees.

3702. How did they generally employ the small capital so accumulated?—It is a very important part of the duty of a Hindoo to establish his family in life; to marry them properly, to settle them advantageously; and funerals are very expensive.

3703. Do they, in any instance, shew a disposition to embark it in commercial and agricultural speculations?—Sometimes I think they do. I think they are not averse to things of that kind, where they see a feasible opportunity.

3704. Are there instances in which they have done that properly?—There are instances in which they have embarked in the cultivation of indigo, in the cultivation of cotton, tobacco, and other articles of their own growth.

3705. Were the ryots much in the habit of discussing the measures and system of the government, as applicable to their own condition?—No, they were not; they were generally very subservient.

3706. Does the same observation apply to the Zemindars?—The Zemindars, of course, having more opportunities of information, are a little more desirous of knowing what is going on in the world at large. Since I have left India, I understand a very considerable additional curiosity has been excited in their minds, in consequence of the more extended intercourse they have had with Europeans.

3707. Have any unfavourable circumstances connected with that intercourse fallen under your observation?—None of any importance.

3708. Do you conceive the intercourse as beneficial to the natives, so far as it has hitherto taken place?—Most assuredly; I think they have been most particularly benefited by it.

3709. Do you conceive that a more extended settlement of Europeans in the country would not lead to disputes between them and the natives?—I do not think it would; any material disputes which have hitherto taken place between the [illegible]nd the indigo planters, for instance, have chiefly arisen [illegible] circumstances in which those indigo planters have been [illegible] Those circumstances I conceive to be the denial of the [illegible]'ding lands, and the use that is made of it by natives

in boundary disputes; the cloak made of European influence, or whatever power an European may have in assisting them to carry through the disputes, which are numerous, with their neighbours about boundaries or about fields. Natives frequently get into disputes, and they enlist Europeans in their cause. Other natives enlist other Europeans in their interest in opposition. 11 May 1830. R. Davidson, Esq.

3710. Disputes are not commom in which Europeans are embarked exclusively on one side and natives on the other?—I should suppose not; they have never come within my knowledge; I do not recollect any cases of that nature.

3711. Do the natives in general repose as much or more confidence in Europeans, in the ordinary transactions of business and of life, as they do in each other?—I think more.

3712. Have you had any opportunity of observing any other species of cultivation, such as cotton, sugar, and silk, in the course of your residence?—I am not practically acquainted with the one or the other; I generally saw them growing in the country.

3713. Can you state, generally, in what branches of speculation Europeans have been most successful?—I think indigo has been the most important and the most successful.

3714. To which species of cultivation do you consider that the power of holding land is most essential?—To indigo it must be very essential; and to cotton, silk, tobacco, and various other articles.

3715. Are you aware of any other circumstances, besides the want of the power of holding land, which you have stated, that have proved obstacles to the cultivation either of indigo, cotton, silk, or sugar?—I should think that, indirectly, the defective administration of justice must have an influence upon the production of all those articles, and the want of free permission for Europeans to settle and colonize.

3716. Have you any reason to think that coal is to be found to any extent in that country?—It is found, and I have understood it is likely to be found to a greater extent than it has been; but I have no practical knowledge on this subject.

3717. Are you of opinion that any means might be found of increasing the facility for finding remittances to England beyond what now exist?—Undoubtedly, if the China monopoly were to be given up, from India direct; also by the increased production of articles suitable to the consumption of England; silk, for instance, is a very important article. Cotton, by an improved cultivation of it, if it were practicable. I am not sanguine, however, in the expectation of a very large increase in the cultivation either of cotton or of sugar in India.

3718. Why not?—From the way in which the land is at present pre-occupied in raising other articles of export, and the

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3719. Is it from want of capital you conceive such an extent of cultivation would not take place?—I think want of capital, in the first instance, would be a difficulty; but an important part of the production of cotton in America is on the alluvial lands of the Mississippi; the cotton produced there, almost without labour, comes, of course, into competition with India cotton. I give my opinion on this point, however, with great diffidence, because it is a thing which has never been fairly tried.

3720. Do you know the relative price of labour between the banks of the Mississippi and India?—There is no comparison in the price of labour; but the relative price of labour does not come into operation. The article of cotton, I have understood, is produced in that part of America almost without labour; they have nothing to do but to scatter the seed on the alluvial lands of the Mississippi.

3721. Does not the labour of the gleaning and the manufacturing form a very large proportion of the price?—The gathering forms a certain proportion; there are machines, I understand, used in America, by which the labour of cleaning is very much facilitated.

3722. When you say that the experiment has not been fairly tried, to what do you refer?—I refer to this, that to the cultivation of cotton fairly persons must have the right of occupying those lands freely, and have a right of erecting buildings, and free egress, and every thing belonging to a free and extended commerce.

3723. Cannot they erect buildings as well for cotton as for indigo?—They would require to hold lands for that purpose.

3724. Do they require to hold lands for the purpose of carrying on that extensive cultivation of indigo which has been carried on?—I carried it on, but not under circumstances giving the cultivation of the article its full advantages; nor would it be practicable to do so, if any other country were discovered producing it with greater natural advantages.

3725. Do you think it essential to the interests of the merchant manufacturer that he should raise the articles he manufactures?—No, I do not think it essential. If he can do it through the ryots, it is not necessary; but there are many cases where he cannot do it.

3726. Is it not as open to the English speculator to make advances to the ryots for the delivery of cotton, as it is for the English speculator to make advances to the ryots for the delivery of indigo, and to have a cotton manufactory instead of an

indigo manufactory?—Yes; but cotton is an article that requires occupation for several years. The erection of works for cotton, sugar, and several other articles, must be done with some view to permanency. 11 May 1830. R. Davidson, Esq.

3727. If a remunerating price were obtained for cotton, would it not be for the interest of the merchant manufacturers to make an agreement for several years with the ryot, and the ryot to enter into that agreement?—Yes; no doubt of it.

3728. What obstacle practically exists, then, to the engaging in the production and manufacture of cotton, in the same way as the production and manufacture of indigo are carried on now? —I do not see that there is any material difference, except that the one occupies the ground longer than the other, and that indigo cultivation is not now carried on to the best advantage, in consequence of those circumstances. In cotton and sugar the investment of fixed capital would be much greater.

3729. At what period does a cotton plantation come to maturity?—I believe in some part of India cotton is nearly an annual; but the best description of cotton, the American cotton, does not bear, I believe, for two or three years.

3730. Is the indigo an annual plant?—Very much so in the lower provinces; it is generally inundated, and hence it is generally at an end in the first year; but it is not necessarily an annual in the upper provinces, and parts of the country out of the reach of inundation; it lasts for two or three years.

3731. Have you had occasion to observe in the country, while you were there, any diminution in the proportion of the Mohamedan religion to Hindoo?—I have understood there is a material diminution now going on.

3732. You speak from general understanding, and not from practical observation?—Just so.

3733. Do you mean generally speaking?—Yes, I believe generally.

3734. What description of religion is most favourable, from your observation, to the general industry and improvement of the country, the Mohamedan or the Hindoo?—The Mohamedan has fewer prejudices than the Hindoo; the Hindoo again is a docile creature. I think practically, so far as the common business of life goes, the religions or creeds of the people do not come prominently into contact with Europeans in their commercial operations. I should say decidedly, with reference to the state of society among the Hindoos, that it is very artificial, and consequently a very bad order of a great community.

3735. Was any improvement effected in the district in which you resided, in the education and acquirements of the natives?—I am not aware of any.

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3736. Are you of opinion it would be easy to effect much improvement?—I am; it would, in my opinion, not be difficult.

3737. State the nature of those improvements which you think it would be easy to produce?—I should propose improved instruction; they have common schools, but they do not appear to produce material effects at present.

3738. What measures would you propose?—I should propose that they should have an opportunity of learning all the arts of useful life, in which Europeans are so superior—chemistry, natural philosophy, mechanics, and the application of mechanics to the arts, with more extended intercourse with Europeans.

3739. Would you teach philosophy and mechanics in the village schools?—It could hardly be done in the village schools, but there are various cities in which it might be done.

3740. Is it not already done in the cities?—I have not had any opportunity of seeing it.

3741. Had you no lease of land for the purpose of growing indigo on your own account?—Some of my people had.

3742. What do you mean by your people?—My servants.

3743. Were they natives or Europeans?—Natives.

3744. If you could have had a lease, should you have got one?—Undoubtedly.

3745. If you had had a lease of the lands yourself, how would you have proceeded to effect the cultivation of the indigo; would it have been by hiring persons at daily wages to cultivate it on your own account, or would the ryots have cultivated it upon their account, as they generally do?—The great object, I think, of a lease in a case of that kind to the planter personally, would be to prevent being obtruded upon by other Europeans in the production of the article. I should not have proceeded to have employed people to cultivate the land myself in the common way that a farmer would do in this country; I should have endeavoured to do it through the ryots, if practicable.

3746. Upon the system of making an advance, in the first instance, to the ryots?—Exactly so.

3747. You think that a lease would have given you more protection against the interloping of other Europeans, than was afforded to you by the legal rights you acquired by means of your advance?—Yes.

3748. Then would you have both lease and advance?—Yes.

3749. Then would not you oust the ryot who now has the lease?—No, decidedly not; I should have done every thing to improve the condition of the ryot; I think he would have prospered more as my tenant than as tenant of the native Zemindar.

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3750. The object of the lease is to prevent those contests which arise between Europeans?—Yes; and giving permanency to a person's own property.

3751. Did you carry out any capital to India?—I think very little.

3752. Do you know any indigo planter who did?—Very few.

3753. They carry on their speculations with advances made by the agency houses?—Yes, generally.

3754. At an interest of ten or twelve per cent.?—It was at that rate at that period; now they can get advances at from six to eight.

3755. Are you aware what interest those agency houses allowed to their customers at the time they took that interest from you?—I think they allowed, probably to their constituents, one or two per cent. less than they charged to me.

3756. Did you still, when you paid that interest, carry on your speculation to a profit?—Yes, if the seasons were favourable, and the markets tolerably good.

3757. Has it been more or less profitable since that time?—Since that time it has been more profitable; but I should distinguish between the parties sending it to England and selling it on their own account on the spot. I should think that those sending to England recently, and realising the low prices obtained here of late, could hardly have obtained the cost of production.

3758. You do not apprehend that a state of things like that can last—a high price in India created by the expectation of realising a high price here, but ending in disappointment?—The high price in India has not been produced by the expectation altogether of a high price here; it has been enhanced, in some measure, by the necessity of people to obtain remittances from India in return for goods sent out, and by the competition they meet with in the East-India Company as purchasers of the article there.

3759. Can you state the difference between the bullion price of indigo in India and in England?—I should think in some instances it must be from twenty to forty per cent.

3760. What is the expence of transmitting bullion to England?—I should think not eight per cent.; bullion in India is not obtainable with great facility.

3761. Except in Calcutta, you have nothing but coin?—No, nothing but coin; people of course in buying an article, however, at such a distance, do not know at the time they buy that it will be so much depressed in England as it is when it arrives; but the excessive production has been stimulated by those two circumstances—the necessity of the people to obtain remittances, and by the competition of the East-India Company;

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3762. When those who had given the same price for indigo in India heard that they had lost by the remittances forty per cent., do you apprehend they would give the same sum another year?—I apprehend not.

3763. Then, practically, those indigo speculations in India have been carried on, not by capital remitted from England, but from the accumulated savings of the military and civil servants of the Company, who have deposited those savings in the hands of agency houses, which agency houses have lent their money to the speculators in indigo?—I should say that a very small proportion of the accumulated capital of the agency houses in India can be the savings of the civil and military servants of the Company; that a large proportion of it is native capital, and the capital of the houses themselves. Old-established houses in Calcutta have large capitals.

3764. *Is a large amount of native capital engaged in those houses of agency which bear the names only of English partners?*—In various ways, I should think, they may have extensive transactions with them, which answer the purposes of capital; I should not say that they are partners in the business, nor do they lend their capital collusively, but they have *bonâ fide* transactions, which in their nature answer all the purposes of capital.

3765. It was not your own capital with which you carried on this speculation in India?—It was not my own capital with which I began.

3766. You began with borrowing capital at ten or twelve per cent.?—I did.

3767. You were able, notwithstanding the burthen of that interest, to apply it profitably?—I was.

3768. So that if you had applied capital of your own, instead of borrowing it in India at a very high rate of interest, the whole speculation would have been still more profitable?—Undoubtedly.

3769. Should you have been ready to embark in the speculation with your own capital, as well as with the capital you borrowed?—Certainly.

3770. Would it not have been considerably more profitable to you, if you had been so able?—Yes, undoubtedly.

3771. What circumstances are there which deter capitalists from so embarking their own capital from England in a speculation of that kind?—I think the difficulty of settling in the interior of the country is one.

3772. The restrictions under which Europeans are placed?—Yes, the restrictions under which the Europeans are placed.

3773. Are you of opinion, that if those restrictions were removed, many persons of capital in England would be found disposed to embark their capital in a speculation of that kind?—That would depend on the expected advantages.

3774. With the present advantages?—I think it possible they might with the present advantages; I think it is possible and likely that they would. When capital is so redundant as in England, they might very likely turn their attention to things of that nature.

3775. State what restrictions you desire to see removed?—I should propose that Europeans should be at liberty to go to India, and settle in India, without any restrictions.

3776. Where an European has permission to go to India, what restrictions should you wish to see removed when he was there?—I should wish to see him permitted to hold land, and, generally, enjoy all suitable privileges.

3777. On freehold?—Yes.

3778. Do you think that if Europeans were permitted to hold lands, the situation of the ryot who cultivated under them would be materially improved?—I think it would be improved; for that would lead to an improved administration of the land of which he became possessed.

3779. If an European were so allowed to hold land, would he not displace all the small leaseholders, the ryots?—I think the number of Europeans who can go to India, on any principle which is feasible, will be very small. There cannot be an emigration of common labourers; it must be an emigration of capitalists and artisans.

3780. You think that if the restrictions were removed, the benefit would not be great, the number of persons being limited?—The benefit would arise from the capital, and the different system introduced, rather than from the number.

3781. Would not the occupation of land by European freeholders displace the ryot leaseholder?—I think not.

3782. Would he give leases to the ryots?—I think he would; it would be decidedly his interest and his duty to do so.

3783. That expectation of advantage to the ryot is derived from the supposition that the European speculator, who went out to make a high interest for his money, would deal more liberally than the native Zemindars?—Yes.

3784. Is the situation of the ryots who cultivate indigo for the indigo planters superior to that of other ryots engaged in the cultivation of other articles of agricultural produce?—I do not know that there is any very material difference. Indigo is not the only article of a ryot's production. I think, in the comparison between those who do cultivate and those who do not, that those who cultivate indigo are rather best off.

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3785. In what way did you obtain a lease of the ground on which your factory stood?—I obtained it from a Zemindar; it was a perpetuity.

3786. You, who went out without the permission of the government, obtained possession of lands held in perpetuity?—Yes, I had the permission of the local government.

3787. Therefore the restriction did not personally affect you?—No; Europeans were permitted to hold land to the extent of about twenty acres or fifty begas, in one spot, in perpetuity, by express permission of government.

3788. Have not the ryots certain rights in the lands they occupy and cultivate?—I think they may be considered, practically, almost as tenants-at will.

3789. Are they not understood to have certain legal rights?—Under the government antecedent to ours; the Mohamedan government was generally in the habit, I have always understood, of considering the ryots, as long as they paid their rents, prescriptive tenants.

3790. Is there not, practically, in different parts of India, great variety of rights possessed by cultivating ryots?—They have various rights.

3791. Have not those rights been very imperfectly ascertained?—They are exceedingly complicated and difficult to be ascertained.

3792. Would there not be some fear that the rights, when not clearly ascertained, might be violated by the leases from the Zemindars to Europeans?—I conceive the rights possessed by the ryots antecedent to the lease would not be vitiated by such leases.

3793. Might not the granting leases by Zemindars to Europeans lead to much contest and litigation?—I conceive not more than at present. There are no persons more fond of litigation than the Hindoo Zemindars.

3794. If there were many European settlers in the country, under what law do you think it would be expedient to place them, civilly and criminally?—That is a very difficult question to answer. We are hardly satisfied with our own laws at home. It would be very presumptuous to give an opinion off hand, what particular code I should recommend to be applied in a case of that kind; it would require great consideration and considerable investigation.

3795. Is not that a question, practically, of very great difficulty?—It is certainly practically difficult, but I think not insuperable, with a disposition to meet the difficulties of the case. The difficulty does not apply so much to the state of the natives, as to the privileges and rights of the British subject, as he stands

at present; whether it might be eligible or practicable to increase or restrict those rights in any degree, especially in the administration of justice.

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3796. Has there not been great difficulty in obtaining returns for the exports of British manufactures to India?—There has.

3797. Do you apprehend that, in consequence of the greater cultivation of indigo, and the extension of indigo manufactories, a smaller amount of British capital has been remitted from India of late years than had been previously; is it not retained in India for the purposes of obtaining a large interest rather than remitted in gross to England, as it used to be formerly?—I do not know; that is a question to which I have not much turned my attention; that is a matter that would require a little consideration. I have seen considerable sums coming home of late, and it is very possible, and exceedingly likely, that large sums may also have been retained. I am aware that considerable sums have been allowed to remain there, tempted by a higher rate of interest.

3798. Is it not more the practice now than it used to be to leave the fortune which may have been accumulated in India, and to remit the interest, than to remit the whole?—I should think not; that has always been very much the case. Until the recent unhappy occasion, confidence stood very high; I refer to the failure of the house of Palmer and Company.

3799. You have not been in any other part of India than Bengal?—No, I have not, to reside.

3800. When did you leave India?—In the year 1816.

3801. Is not the quality of the indigo now grown in Bengal very much improved, as well as increased in quantity?—Yes, it is decidedly improved and increased.

3802. Before it was cultivated by Europeans, was it not of inferior quality to any other?—Yes; a very inferior article.

3803. Is there any now grown in any other part of the world superior to that?—No, decidedly not.

3804. Do you apprehend that the quality of the indigo weed has been improved of late years?—No; the manufacture has been improved.

3805. In point of fact, there are no such persons as European indigo planters?—There are in some parts of the country, where they possess the bullocks and ploughs, and hire the ploughmen, in the regular way that a farmer does in his cultivation here.

3806. The ploughmen are natives?—Yes.

3807. Are they servants of the Company, or individuals under licence from the Company?—The European planters are individuals under licence.

3808. Do you know the number of Europeans who are em-

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ployed in the cultivation of indigo throughout the country? —I do not; I should not think they exceed 500 to 1,000 persons.

3809. Have any of those persons who cultivated indigo on their own account leases?—I fancy they have leases in the names of their servants; that is the way in which they usually manage any thing of that kind; where they cannot do it directly, they must do it indirectly, which places them at the mercy of their servants.

3810. It would be an advantage to them to be able to hold the same lease in their own names?—No doubt it would.

3811. Are you aware that they are now in possession of that advantage?—I am aware that they have been very recently.

3812. Is indigo liable to great injury from fluctuation of season?—Very much so; it is liable to great casualties.

3813. Has that liability been diminished by improved modes of culture?—I should hardly think that at present it has. That the aggregate production of the successive crops at large has been rendered more equable upon the average, in consequence of its greater extension over a variety of soils, in some greater variety of climate, I think it exceedingly probable; but that any material improvements have taken place in cultivation I hardly imagine.

3814. What does it chiefly suffer from?—In the first instance, the great difficulty, in the cultivation of indigo in the lower provinces, is the want of rain to sow in proper season; if it is not sown in the proper season, it will be overflown before it is ready. A subsequent and greater overflowing usually takes place from the end of July to the middle or end of August.

3815. Do you not therefore apprehend, that if Europeans had a more permanent interest in the cultivation of those lands than they have now, those chances of injury from seasons would be diminished?—It is possible; I think they would improve that part of the land which is out of the reach of casualty of that description, and appropriate the remainder more judiciously. The agriculture of India at present is altogether miserably defective, from the extreme subdivision of land and the want of accumulated capital. There are very few ryots who have any capital of consequence.

3816. Do you not also think, that such an increased interest on the part of Europeans in this land would rather lead to the adjudication of those undefined claims you have spoken of as existing among the natives, than to an increase of them?—Undoubtedly; that it would lead to their adjustment by compromise and otherwise. Europeans, in general, are not fond of litigation in that country.

3817. Are not the implements of husbandry used in the culti-

vation of indigo of a more simple and less expensive kind than are required for the cultivation of sugar or of cotton?—Yes, I should think they are; the land, as at present cultivated, is cultivated with the same instruments for all productions. What improvements European capital, skill, and talent might introduce, it is impossible for me to foresee. I think it possible they might ere long use more complicated instruments in manufacturing and cultivating indigo.

3818. Independently of the slowness of return in the case of sugar or of cotton, the superior descriptions of the implements of husbandry would require a larger expenditure of capital than for the cultivation of indigo?—Yes; there must be more expensive implements and buildings for sugar and other articles.

3819. You have stated that you thought the land was in many instances overtaxed; have you not found that the burthen of taxation was less felt in those parts of the country in which indigo was cultivated?—I think it would be least felt in those parts of the country which were most improved, and those are most improved where Europeans have had most intercourse and connection with the natives, and particularly in indigo.

3820. Is the cultivation of indigo carried on in that part of the country not under the perpetual settlement?—Yes, it is in the new provinces to the westward; but I believe it is now rather leaving that part of the country.

3821. Have you had any opportunity of seeing Surat cotton?—I have.

3822. Is that not considered superior to most which grows in India?—It is considered superior to Bengal. But the fine Dacca muslin is manufactured in Bengal, which we have been totally unable to equal in England.

3823. Is not the cotton which produces the Dacca muslin grown only on a tract of ground about forty miles in extent by three in breadth?—I have heard that; but I have heard that questioned very generally; I do not know the thing to be either true or false.

3824. Do you know what the peculiarity of the soil of Dacca consists of?—I do not.

3825. With how many different ryots did you contract for the furnishing the indigo you manufactured?—A vast number. I think from five to ten begas a ryot would be to the extent of their average cultivation.

3826. When you state that you had under indigo cultivation 100,000 begas, do you mean that the ryots with whom you contracted possessed that extent of country, or that the indigo was cultivated on that extent?—Indigo was actually cultivated probably to that extent of land; it was not in one part of the country, but distributed in various patches.

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3827. The ryots with whom you made your agreements possessed a much larger number of begas?—Yes.

3828. Did you ever find any difficulty in enforcing your contracts with the ryots?—I have found difficulty in enforcing them.

3829. Had you any other remedy but that of resorting to the courts?—None.

3830. Are there any instances in which ryots let lands to different persons?—Frequently.

3831. Are you aware of measures being frequently adopted for forcing ryots to cultivate indigo?—I have heard of circumstances of the kind, but I am not acquainted with any thing of that nature myself.

3832. Do you think that was a general practice in the districts where indigo is cultivated?—I should think not.

3833. From your observations, should you decidedly say it was not so?—I should.

3834. Down to what period?—From 1807 to 1816.

3835. If that practice occurred, in what manner would it be executed; who would force the ryot to cultivate; the Zemindar?—The Zemindar frequently exercises an influence over his ryots: and sometimes an European, like any other man, probably has a ryot in his debt, and he teazes and threatens to prosecute him, and thereby endeavours to force his cultivation in the way he desires.

3836. Might it not be done also by the influence of the Zemindar over the ryot?—Yes.

3837. It is contrary to law?—Yes.

3838. The ryot has by law a power to cultivate his land as he pleases?—Yes.

3839. Does not the Zemindar frequently let out his land to two or three different persons, who have subordinate authority under him?—Yes, he does.

3840. In those cases are the ryots more oppressed than under the Zemindar in chief?—It depends so much upon the personal character of the parties that I cannot say decidedly.

3841. All those persons must obtain a profit independent of the Zemindar; the Zemindar, and then the farmer under him? —It frequently becomes a question whether the ryot is to be plundered by the officers of the Zemindar, or to pay the farmer, who gets it in the shape of a recognised additional rent.

3842. By what means did you induce the ryots, with whom you were concerned, to cultivate indigo rather than any thing else?—Nothing but the advantage to themselves.

3843. Would not the mere circumstance of the obtaining an advance for that produce, rather than any other, induce them

to cultivate it?—The facility with which they get money has, no doubt, some influence. 11 May 1830.

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3844. You would not have advanced money for any other cultivation?—No.

3845. When you speak of the cultivation of indigo beyond the lands of Bengal, in what manner is the revenue raised upon the indigo in those countries; the revenue in chief?—The revenue in chief is levied from the Zemindar in the western provinces, there being no permanent settlement. The land is usually given in lease, in preference to the person who has hereditary zemindarry right.

3846. Is not the revenue, in some instances, on a valuation of the produce?—I believe the Commissioners for the Ceded and Conquered Provinces have been in the habit of letting the lands for terms of years on some footing of this kind; but this I do not know personally.

3847. Did you, in many instances, lose the advances you had made to the ryots?—Frequently.

3848. Of the quantity of land under indigo cultivation, have you any means of stating what proportion is held by Europeans on lease in the names of natives, and what proportion is cultivated by ryots, those ryots contracting to furnish the produce?—I think a very small proportion can be held by Europeans on lease.

3849. Are you aware that those Europeans who have held those leases have made greater profits than those who have not?—I should think not; I do not think it is ever an object of profit. The most profitable cultivation is through the ryot, I apprehend.

3850. Then the object is security?—Yes, to prevent the contracting bad debts is one material object.

The witness is directed to withdraw.

Sir THOMAS STRANGE is called in, and examined as follows:

3851. You were a Judge at Madras?—I was.

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3851. How long were you a Judge at Madras?—I was there in two distinct capacities; first, as Recorder, I was the bearer of a charter in the year 1798. The object of the charter was to displace the court of the mayor and alderman that had existed at Madras for several years previous, and to substitute for that a court that was called the Court of the Recorder, composed of the mayor and aldermen, with the Recorder to preside, which Recorder I was. This court continued about three years, when it was replaced by a Supreme court, established in the year 1801, on the plan of the Supreme Court in Bengal. Under the

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charter constituting that court, I was appointed Chief Justice, together with two Puisne Judges; and I continued to preside in that court from that period to 1816, when I obtained his Majesty's leave to resign my office, and to return to England.

3853. What is the extent of district over which you exercised this jurisdiction?—I can scarcely tell in point of miles. It was over the town of Madras, with the Black Town, and Triplicane, to an extent beyond of some miles, including a number of adjoining villages.

3854. Was the court also a court of appeal from inferior courts?—No, not at all, in my time. I am not sure whether, subsequent to my retirement from office, there has not been an Act of Parliament, giving a limited jurisdiction to the country courts over the British subjects spread over the territory, from the exercise of which there lies an appeal to the Supreme Court; but, subject to this, there lay no appeal in my time from any court whatever.

3855. Of what description were the practitioners in your court, attornies as well as counsel; were they exclusively European?—They were exclusively European. In the Mayor's Court there was but one description of practitioners; they practised both as barristers and solicitors; and the Court of the Recorder adopted them in that compound character. They continued to practise both as barristers and solicitors till the establishment of the Supreme Court. Then the profession was divided, and an option given to those gentlemen to elect to be barristers or solicitors; but they were all Europeans.

3856. Upon the whole, was there an increase or diminution of litigation during the period you had an opportunity of observation?—It increased considerably, calculating from the time of my first arrival in India to my departure. There was a progressive though not constant increase, sufficient to employ our time abundantly.

3857. To what circumstances do you attribute that increase of business?—To the change in the judicature; the new judicature attracting business, I should think, exceeding what had existed antecedently.

3858. Do you mean to say there was an increased confidence in the new judicature, which attracted the attention of suitors?—I should certainly say so, speaking with becoming reserve.

3859. Are you aware of any improvements that might be introduced into the system of administering the law in the Supreme Courts in India, and more particularly in that of Madras?—No, I cannot say that I am aware of any particular improvement of which it is susceptible, except in diminishing the expences which attend litigation in that court. If the Judges can succeed in doing that, it would certainly be a considerable improvement.

3860. Can you state whether it was much less expensive at Madras than in the other presidencies?—I think probably nearly on a par, or rather less than in Bengal. The first Judges of the Supreme Court, as well as myself as Recorder, were particularly enjoined by the Court of Directors, and by the local government, to make the administration of justice as economical to the suitors as possible; especially with regard to the establishment of the court, in the appointment of officers and salaries; and that injunction was attended to, I think, as much as was consistent with the respectable administration of justice.

3861. Did you administer justice on the principle of the English law?—Generally so; but with regard to the native, he was entitled to have administered to him his own native law, whether Mohamedan or Hindoo, according as he was Mohamedan or Hindoo, on subjects of inheritance and contract; but subject to that, the British law, modified to a certain degree, was administered to all.

3862. You being called upon to administer justice to the natives of either religion, what was the course you pursued for acquiring the practice of the law which you were called upon to administer?—The ordinary course has been to have native officers, Pundits for the Hindoos, and Moolvies for the Mohamedans; and to resort to them for information on points where difficulties arose. It became a question, on my arrival at Madras, how far it would be proper we should adopt officers of that description, which never had existed in the Court of the Mayor and Aldermen; and upon that question I was against adopting any such officers. I was not governed entirely by the consideration of economy, but from an apprehension I had conceived that they were but blind guides, and that we should be better without them; and, in point of fact, we had no officer of that description, neither in the Court of Recorder nor in the Supreme Court that succeeded to it; for the Judges of that court adopted the idea I entertained, that we should have a better chance upon the whole of arriving at conclusions on Mohamedan and Hindoo law otherwise than by having persons of that kind to assist us; and in answer to the particular question your Lordship has put to me, as to the course adopted, not having officers of that description, the course I took, and which was eventually pursued more or less, was, when a question on Hindoo law arose on which I had a difficulty, I resorted for information upon it to every part of India. I had correspondents in every part of India, and had persons whom I could trust to resort to—Europeans, friends of my own, and others; and I was in the habit of addressing myself to the different presidencies, stating a case without naming parties, or giving an opportunity of knowing what the cause was to which the inquiry

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Sir T. Strange. and according to that information, having collected as much as I could, and digested it in the best way I could, I extracted, according to the best of my apprehension, the law upon the point in issue, and so administered the justice of the cause.

3863. From subsequent experience of the operation, had you reason to feel satisfied that that course proved as effectual for the ends of justice, and as satisfactory to the natives, as if the regular appointment of native officers learned in the law had been adopted?—Yes, I certainly think so. If I had not thought so, I should probably have proposed the appointment of officers of that description; I was in the constant habit, independently of causes depending and questions arising, of corresponding with such of the Judges in the Company's Courts with whom I was particularly acquainted, and of obtaining from them, from time to time, the answers given to them by their Pundits, in causes depending before them. Those answers were transmitted to me by those gentlemen from different parts of the territory depending upon the government of Madras, and they occupied my attention as they reached me, and were the means, no doubt, of assisting me in acquiring the necessary knowledge of the native law. I speak now more particularly of the Hindoo law. With regard to the Mohamedan law, we had not much to do with that at Madras, nor did I often receive reports on points of Mohamedan law from the interior; but by this process I obtained in time a considerable number of the opinions of Pundits. They were given independently of any cause depending in our court, and so far I could trust them, which I could not perhaps have done implicitly under other circumstances.

3864. Have you ever had occasion to consider, from the different questions and principles of native law that had been brought under your view, whether it would be practicable to frame a distinct code of native law for the assistance and guidance of English Judges?—I do not know how to answer that question. No doubt ingenuity and diligence might be employed in forming a code of that nature. Materials exist for such a code to a certain extent in the English language. There have been able translations of authentic treatises on some of the most important subjects of Hindoo law; and the Sanscrit language is beginning now to be so extensively known among the Company's servants in India, that there would be little difficulty in selecting persons who would be competent, from original sources, to compile what might be fairly deemed a good practical authentic code, that might be depended upon; and would be an useful guide, no doubt, in the administration of the native law, in the King's and the Company's courts. Such a work would need, I should think, to be the result of

combined labour, and a very accurate review, by very competent authority, before it was promulgated and confirmed by the government of the country. It would be a work of time, a work of labour and learning, but not an impossible work. — 11 May [illegible]. Sir T. Strange.

3865. Had you occasion, from your observation of the conduct of the natives in judicial proceedings, and of their general capacity, to form an opinion as to the practicability of introducing the trial by jury amongst them?—I never formed an opinion upon that subject. That idea arose subsequent to my retiring from office, and I never have formed a decided opinion upon it. I should have doubted about it, I think, had circumstances led me to deliberate upon it.

3866. When you say there are materials existing for forming such a code, do you allude to the labours of Sir William Jones and Mr. Colebrooke, or any other?—I allude to those, but I allude more particularly to the original treatises. I allude to Sir William Jones's Translation of Menou, and Mr. Colebrooke's Translation of the Treatises on Inheritance, and Mr. Sutherland's Translation of Original Treatises on Adoption, with another Treatise on Inheritance by Mr. ——— of Bengal. Those are all authentic materials. There is, in addition to those, a Digest, which is familiar to every one who has had any thing to do with Hindoo law; a great mine of Hindoo law, but not, perhaps, so useful a book as it was intended to be.

3867. Were there any institutions under the Madras presidency at which natives might acquire a knowledge of Mohamedan and Hindoo law?—No, I do not think there were. With regard to the Mohamedan law, we had very little to do with it at Madras, though there are a great number of Mohamedans settled at Madras, but they are in circumstances that do not lead them to be suitors in our courts. I scarcely recollect instances of above two or three suits in our courts, on the part of Mohamedans.

3868. In what manner do the pundits under the presidency of Madras obtain a knowledge of the Hindoo law?—There were pundits attached to the Sudder Adawlut, and others; they obtained it by their own diligent inquiry; they were learned natives.

3869. There were no colleges?—No; there was a college for languages, I think, more than for law; it was an infant institution in my time. I think it was occupied more in the attainment of the languages of that part of India than of the law, though they have pundits attached to them. I know I was in the habit sometimes of consulting them.

3870. Did the Company's judicial servants, with whom you were in the habit of consulting on legal subjects, appear to possess considerable knowledge?—I cannot answer that question from my correspondence with them. I did not much enter into the questions upon which they were in the habit of submitting

11 May 1830. — Si T. Strange. to me the answers of pundits sent to them in the course of their judicial inquiries; but I do not think there were many of them who had made themselves much masters of the subject, independently of the pundits.

3871. They had no peculiar opportunities afforded to them of acquiring such knowledge?—No; there was one person with whom I was intimate during all my time, a gentleman of the name of Ellis, who died soon after my time, who had the principal charge of that college. He had taken great pains to inform himself of Hindoo law, and was a considerable master of it; but I do not know any others who were distinguished by their knowledge of Hindoo laws among Europeans.

3872. Do you think it would be possible to place Europeans and natives on the same footing in the provinces, and to make them amenable to the same courts?—I certainly think the general administration of justice in the provinces ought to be according to the law of the natives exclusively.

3873. To what law, and to what courts, would you make the Europeans amenable who might be resident in the provinces?—There might be constituted courts in the interior, throughout the provinces, corresponding with the Supreme Court at the presidency; but then they must be composed of different persons as Judges, to administer the English law to Europeans as well as the native laws to the natives. In the actual state of things, I do not see how the same law can be conveniently administered to the one and to the other description of persons.

3874. Would it not, in cases of a civil nature, be a very great hardship upon the natives to oblige them to come into the Supreme Court to have their case decided by the European law?—To be sure it would.

3875. Do you think it would be advisable to extend the jurisdiction of the Supreme Court into the interior?—By no means.

3876. In the event of Europeans being in large numbers resident in the provinces, would not necessarily a very great practical difficulty arise in determining to what law and to what courts they should be amenable?—The difficulty exists, in proportion as the British subject is dispersed throughout the interior. In point of fact, they are under the jurisdiction of the Supreme Court, and must resort to that court. In the actual state of things, the inconvenience is not felt at Madras, the Europeans of the interior there being comparatively few, and having but rarely any occasion to resort to the courts.

3877. Are they removed to any great distance from the presidency?—Not great; the number is very limited; they are not in a situation to be litigant parties. The inconvenience at present is not felt at Madras.

3878. Do you apprehend it would be practicable to carry on

the business of the Supreme Court at Madras with a smaller number of Judges?—I think it would. I think the justice of Madras might be administered efficiently and satisfactorily by a single Judge, subject to the contingency of illness, or of death; that would be a matter to be considered. An arrangement might be made for contingencies of that nature; but, subject to these, I think an able person, carefully selected, would be sufficient, without the assistance of associates. I incline to that opinion.

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3879. You were understood to say, that much more confidence was placed in the Recorder's Court than had been placed in that of the Mayor and Aldermen; did it appear to you that the Recorder's Court possessed as much confidence as the Supreme Court when it was established?—No, I cannot presume to say that; I have not the least hesitation to say that the Court of Recorder possessed the confidence of the natives far beyond what the antecedent Court of Mayor and Aldermen had done. The objection to the former court was, that it was composed of the Mayor and Aldermen, though with a Recorder to preside. If there had been no Mayor and Aldermen, the Recorder would have been sufficient in my opinion for the administration of justice; but there was such a counteraction on the part of the Mayor and Aldermen, that it became indispensable to displace them, and to substitute a court of a different description. Then it occurred naturally to the authorities at home to establish a Supreme Court there; but I think the business of the court, always presuming that a very competent person was appointed for the purpose, might be satisfactorily administered by a single Judge.

3880. Did your situation at Madras afford you opportunities of forming such a judgment of the native character, as to enable you to form an opinion of their competence to fill high situations in the revenue and judicial departments?—They possess a very high intellectual capacity.—I speak more particularly of the Hindoos, with whom I have been more conversant.

3881. Would it not be advantageous to establish a college in some part of the Madras territory, at which the natives of higher rank and property might obtain a more perfect and more extensive education, corresponding with that law, than they are enabled to do at present?—Yes, I should think so, certainly.

3882. Is not the law, as now administered in the provincial courts, in a considerable degree influenced by European Regulations?—Yes; I believe they act principally upon Regulations that have been formed by the Governor-General for Bengal, and the Governor and Council for Madras, under the authority of Acts of Parliament. The practice of the provincial courts in the provinces is certainly regulated entirely by ordinances of that nature.

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3883. Do you conceive the Mohamedan code, as administered in the provincial courts, is susceptible of a larger infusion of the principles of the English law?—The Mohamedan law has, in point of fact, been ameliorated by our principles and our feelings. If it had not, it is not a law which would be fit to be administered, except among Mohamedans; they may be partial to their own law.

3884. The Mohamedan law had never existed to any great extent in the territories of the Madras presidency previous to our assumption of power?—I apprehend not, for the Mohamedans had not extended their power in the Peninsula as they had done in the Bengal provinces. There they were the ruling power; but that was not the case to the extreme southward at all, I think.

3885. Is property so distributed, as far as you are acquainted with it, under the Madras presidency, as to afford any number of persons who would be capable of becoming candidates for revenue and judicial situations?—I have no doubt that out of the population of Madras there might be native individuals who might be selected capable of acting in situations of that nature. I speak more particularly of the town of Madras, and the jurisdiction of the Supreme Court, comprehending a good many villages in the neighbourhood.

The witness is directed to withdraw.

Ordered, That this Committee be adjourned to Thursday next, one o'clock.

Die Jovis, 13° *Maii* 1830.

The Lord President in the Chair.

Sir THOMAS STRANGE is called in, and further examined, as follows:

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3886. Has it occurred to you that any improvement can be introduced into the judicial administration of the provinces?—Yes, it has; it occurred to me upon a reference made to me some months ago, previous to the appointment of this Committee, by a noble lord, whose name I am at liberty to mention. When I had the honour of being here the day before yesterday, I had not obtained that liberty, but I have subsequently obtained it; it was my Lord Wynford, who addressed a letter to me, which I received upon the eve of my leaving Bath for Scotland, in the month of January last; and in the course of my journey I turned the matter in my mind, and replied to his lordship's letter; and I am in the direction of

your Lordships, whether I should state in any general way what my suggestions were to Lord Wynford, in answer to that reference to me, or whether it would be your Lordships' pleasure that I should use the means of doing so, submitting to your Lordships in writing an extract of the answer I addressed to Lord Wynford upon the subject of his note to me. 13 May 1830. Sir T. Strange.

Sir Thomas Strange is informed that the Committee are desirous of receiving in writing his observations upon the subject.

The witness is directed to withdraw.

STEPHEN WILSON, Esq. is called in, and examined as follows:

3887. In what line of business are you?—I was a silk manufacturer. S. Wilson, Esq.

3888. Are you still in the trade?—My sons are in the trade; I have in a great degree retired from business.

3889. For how many years were you engaged in the trade?—Very near forty years.

3890. Were you, during that period, an extensive purchaser, both of Italian and of Indian silk?—Yes.

3891. What proportion did your purchases of Indian silk bear to your purchases of Italian silk?—They very much varied, according to the prices and the different purposes to which we could apply them.

3892 Has the quality of Indian silk varied during that period?—Considerably.

3893. Has it improved?—I think it is worse than it was.

3894. Has that deterioration been gradual?—I think it has, of late.

3895. Is there no particular quality of Indian silk that has improved of late years?—I think none, of late years.

3896. Did you use Indian and Italian silk in the manufacture of similar articles?—I think I may say that I have used them both in the manufacture of almost every article in the silk trade, except ribands.

3897. Do articles manufactured of Indian silk bear a lower price than those manufactured of Italian silk?—Generally.

3898. Did it appear to you that there was some natural deficiency of quality in the Indian silk, or that a different mode of preparation could make it equal to the Italian silk?—I think that the quality, as well as the first reeling from the cocoons, have been defective.

3899. It was rather, then, in the manufacture of the silk in India than in the natural quality that that inferiority existed?—

18 May 1830. I think more in the manufacture of the silk than in the original quality of the same kinds.

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3900. Is there much variation of kinds in Indian silk?—A great deal of difference.

3901. Does that variety exist in the several sorts of silk exported from the same ports of India?—I think there is good and bad from almost every district of India.

3902. Does any large quantity of silk come from any part of India except Bengal?—I cannot say.

3903. Can you describe the peculiar quality of Indian silk which makes it inferior to that imported from Italy?—I think the want of staple and the want of cleanness are the two principal faults.

3904. Have you ever made any inquiries relative to the mode in which the silk is produced in India?—Some years ago I took very great interest on the subject, and made many inquiries.

3905. Have the goodness to state the result of those inquiries?—The result of those inquiries was to convince me that the principle upon which silk is obtained in India tends to prevent the improvement of the quality; and also the quantity has been such that it has injured the quality. I mean that there has always been such a quantity wanted, and the demand has been so great, that it has prevented paying requisite attention to the quality; for there cannot be so much good silk produced as there can of the inferior sorts. I have a copy of a letter which I have brought with me, which, if I may be permitted to read, will throw some light upon that subject. I have preserved it as a valuable document on the subject of silk in India, as it led me to see the reasons why it was not equal to Italian silk. It is a letter from one of the Company's agents in the East-Indies upon this very subject, written in the year 1796, by Mr. Atkinson, of Jungapore. "The major part of the cocoons produced by the large annual worn are very superior to those from either of the latter description of silk-worm, and may in general be reeled into silk of a quality that will bear being thrown into organzine; yet still a very considerable portion of the annual cocoons is frequently very imperfect, not better than and scarcely to be distinguished from Decey cocoons. It is not difficult to trace the origin of the annual silk worm, as its introduction into these provinces does not exceed the period of eighty or ninety years; and on the most particular inquiries, I learn from every quarter that this worm was first cultivated at a village in this neighbourhood, and that it was originally brought by a dealer in elephants from the country to the eastward, to Tipperah or Sylphat. This account has been invariably the same. Hence I presume that the annual silk-worm is a native of the countries bordering on China, or perhaps of the western provinces of that

empire. I have discoursed with some cocoon cultivators advanced in years, whose fathers had the first breed of this silk-worm, and they informed me, that it is so much degenerated as not to bear any comparison to what it formerly was. They even assure me that the cocoons do not yield much more than one-half the quantity of silk that they in their youth remember them to have done. The causes which have operated towards the degenerating these cocoons, as well as of the Decey and China species, I shall endeavour to account for. The real Decey cocoons are next in quality to the annual; but I have reason to believe that in their aurung very few of this description are free from adulteration, by crossing the breed with the China or Madrassie worm, which, from the best information I can gain, has very materially debased the quality of the Decey cocoon. The period when this species of silk-worm was introduced into Bengal is very remote, on which account it is difficult to trace its origin; yet, from what I have heard, I think I am warranted in concluding that this, as well as the annual worm, originated in China. In favourable bunds, a portion of the Decey worm may be convertible into silk fit for organzine, but it will require a careful selection to procure even a part sufficiently good for that purpose; and for the reasons adduced in the latter part of the second paragraph, the Decey cocoons will with difficulty be applicable to any purpose. The China or Madrassie cocoon is at present inferior to either of the two former species of cocoons. I believe it was first introduced into these provinces by a former resident at this station, in the year 1780 or 1781; but having been delivered to the native cocoon cultivators, the cocoons' quality degenerated, owing to carelessness and improper management of the worms. The species was again introduced by the present superintendent of the silk investment, Mr. Frushard: and whilst under the immediate inspection of this gentleman, I have heard that the cocoons were very good, both in respect to produce and the quality of the silk. I can speak with more precision as to the quality of the cocoons of what I believe was the third importation of the China silk-worm, the eggs of which were produced from Canton by the late Colonel Kyd in the year 1788, and being committed to my charge were cultivated by me for a considerable time, during which period the cocoons continued very good, and from the care which was taken in the points of food and management they visibly improved every bund. In respect to the quality of these cocoons, which were converted into silk by my predecessor on this station, I shall take the liberty of quoting the opinion of the broker to whom a sample of this produce was submitted in England by the Honourable Court of Directors. This gentleman says, 'If the sample of raw silk in imitation of that from China was made from six to eight cocoons, it would be quite fine enough for all the uses of China silk in Europe.' It is excellent silk,

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and well reeled. This opinion was transmitted under the following observation: 'Enclosed are the remarks of a very judicious broker on the muster of silk sent of the China assortments, that it may be seen how much it is worth culture. I have ventured to intrude these particulars to demonstrate that the monthly China cocoon was originally excellent, yet when this breed of silk-worm was committed to the charge of natives, it almost immediately degenerated to the present standard of China or Madrassie cocoons, which of late years have been so bad as to induce my predecessor, as well as myself, to endeavour to prevail on the natives to give up the culture altogether; but these efforts have been ineffectual, because this species possesses various advantages which would be really valuable if the cocoons were good. These advantages are: first, that the China worm, after quitting the egg, completes his cocoon in ten days, or one-fourth less time than the Decey monthly worm, consequently a shorter attendance and a less proportion of food are requisite: second, this worm will feed on harsh and bad mulberry leaf, which the Decey worm would reject: and, third, the China worm is much more hardy than the Decey species, in bearing the vicissitudes of the weather. These points are considered by the natives of so much importance, that the China silk-worm is the favourite in their aurungs; and in endeavouring to engraft the advantages thereof in the Decey worm, the quality of the latter is greatly injured. The causes to which the degeneracy of our cocoons may be ascribed are various. First, improper food, which point need not be enlarged upon, as the superintendent of the silk investment has frequently noticed the evils resulting from the rearing the silk-worms in the dwindling kind of mulberry leaf generally appropriated to that purpose in this country.' My private opinion is, that they have not got the proper mulberry in India. In Italy, the mulberry which produces the best silk is the white mulberry; and from experiments I have tried in this country, where I have reeled some of the produce of the silk-worms fed on the white mulberry, it is so very different from that of the worms fed on the black mulberry that I have reason to believe that the difference arises from that. 'Secondly, the improper management of the silk-worm by the native cocoon cultivator has in my opinion tended greatly to debase the quality of our cocoons. It is not necessary to declare the absurd and superstitious practices in use among the natives, although it is certain they are very prejudicial. Moreover, in the general situation of their houses surrounded with trees and jungle, the silk worms cannot have the benefit of a free circulation of wholesome air; and they are subject to noisome smells arising from stagnant water, and other nuisances, which, to a person acquainted with the economy of the silk-worm, are well known to be very pernicious to that insect. But above all, I cannot help considering the

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present mode of conducting the Company's silk investments in the aurungs as having materially conduced towards impairing our cocoons. Advances being made for an article, the valuable part whereof bears so small a part to the invaluable part of a given weight or number of cocoons, no argument is necessary to prove that the quantity, and not the quality, is most productive of present advantage to the cultivator; for though he may pay some attention to a portion of his cocoons, for the purpose of delivering the same as a sample for fixing the factory prices for a silk harvest, yet no sooner are their prices established and published, than it becomes his immediate interest to distribute the mulberry plant he can command to as many silk-worms as the same can possibly keep alive; and if more care and a larger proportion of food are bestowed on a part of his worms, the cocoons thereof are invariably designed for private trade, and the inferior are only delivered in liquidation of his balances. Although it is very certain that the existence of the whole crop originated in the previous advances made to him on account of the Company, yet the resident has no means of preventing the practice. It is true that the evil will in some degree revert on the cocoon cultivator, because the silk agent must necessarily lower his prices as he finds the cocoons decrease in value; but few or none of the lower order of natives being capable of sacrificing present interest to any prospect of future gain, the silk-worms of these provinces have been for many years gradually declining, and I am afraid will continue to decline, until some remedy can be applied to correct the evils above mentioned. Previous to the introduction of the filatures, the profits of the silk cultivators depended immediately on the excellence of the cocoons, as they must be reeled into silk before the harvest could be carried to market. In this case it was the especial interest of the owners to produce the best cocoons in their power, and to guard the breed of silk-worms from degenerating. But since the establishment of filatures has enabled them to put off very bad cocoons, they have become remiss and negligent; and the more minute, yet still essential precautions and attentions necessary to attain perfection in cocoons, have from disuse, it seems, been entirely forgotten. It being very certain that the above cocoons do not afford silk agents any room for hoping to meet the expectations of the Honourable the Court of Directors on an extensive scale, the improvement, therefore, of the breed of silk-worms becomes a consideration of importance, which I am afraid cannot be effected but by the introduction from the other countries of a more perfect race than we at this time have in Bengal. Supposing it practicable to procure a species of silk-worms superior to those we at present possess, the mode which most obviously occurs to establish a general culture thereof is to distribute the same throughout the cocoon villages of the different aurungs;

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but I greatly fear that the carelessness and improper management of the natives would render this mode ineffectual, as indeed is evident in the case of the China or Madrassie cocoons. The method which next presents itself is the establishment of breeding houses, or nurseries, under the inspection of silk agents, for the purpose of rearing cocoons for supplying the filatures. From attending to the subject for several years, I am convinced that this method might be carried to a considerable extent; yet, still the expence requisite for constructing breeding houses equal to the furnishing an extensive filature with cocoons renders this mode exceptionable; and moreover, the circumstance of insuring a sufficiency of food for the silk-worms would create a necessity of distributing the trading houses throughout the aurungs, and consequently remove the greater number of them from the personal care of the agents; in which case, although healthy situations might be chosen, yet I apprehend it would be equally difficult to guard against imposition, and prevent the quality of the cocoons from being impaired by want of care and judicious treatment of the worms especially. They must necessarily be fed on such mulberry plant as the natives are in the habit of cultivating. Under the presumption that it is very possible to obtain a renovation of our breed of silk worms, I take the liberty of offering my opinion on the mode of conducting the business that appears to me the least objectionable. The method I would propose is the introduction of breeding-houses, for the purpose of producing lunch or silk-worms' eggs alone, there to be distributed to the cocoon cultivators at lower rates than the market prices; or, in other words, that it be made more to the advantage of the Bussoonah to deliver the whole of his harvest of cocoons than to reserve any part thereof for seed. By this mode, and by due care and attention at the breeding-house, I think the quality of the original cocoons might be preserved, and even improved; and under the above circumstances, as the Bussoonah could have no motive for reserving lunch, the cocoons would never pass beyond the first stage to degenerate. I am further of opinion, that the expence of an establishment of this nature would be very trifling; and I think that the price to be paid for lunch by the cocoon cultivator, considerably below the market rates, aided by silk from inferior cocoons which it might not be eligible to retain for breeding, would nearly, if not quite, defray the charge of the breeding-house, to which the use that might be made of the cocoons which the moth had perforated would also contribute. To ascertain the countries from whence the best breed of silk-worms is procurable, I am unalterably of opinion that nothing more is necessary than to know where the best raw silk is produced, for I have no doubt that the most perfect race of silk worms will be found there. Those heretofore produced from China were natives of the southern provinces of that empire. As I believe the Honourable Company's raw silks

are obtained from the northern provinces, it may fairly be assumed that their situations are possessed of superior cocoons; and as I have the fullest reason for believing that our annual worm is from the western borders of China, I think that efforts from the eastern districts of the Company's provinces might be successful in effecting a renewal of the breed; and if what I have heard on the subject is true, this would be of very great importance. The Italian cocoons are beyond comparison superior to those of this country. In the course of the last season I received a parcel of eggs of the Italian silk-worm from Europe, which, to my great mortification, all perished. Along with these were sent two cocoons as a sample; and although the culture of the silk-worm was not unknown to me before I left Europe, I could not examine these cocoons without the utmost astonishment. I shall only observe, that with such cocoons I should not have a doubt of obtaining every perfection that raw silk is capable of. I take the liberty of mentioning that the above was written several months ago; but I delayed submitting it to your perusal till I had verified, by the test of experiment on the November and January bund cocoons, my ideas how far it was possible to manufacture silks equal to the organzining operation. From the uncommon scarcity of mulberry plants, owing to the inundation in October last, the cocoons of the above bunds have been very indifferent, especially those of the annual January bund, which could hardly be distinguished from the produce of the monthly worm. Repeated attempts were made by the most experienced spinners to reel silk fit for the fabric of organzines from these cocoons; but after every possible personal attention, I found that although silks might be made to look well in the skein, yet on a minute examination they were so loaded with fine waste that I had not a doubt of the ruinous consequences of submitting such silks to the operations of the mills. Indeed, in general these cocoons were of so flimsy and weak a texture, that a large portion of them were not equal to the formation of the common letter A silk, nor could they be reeled into that letter without considerable loss of produce; besides which, the silk was of very indifferent quality. On the whole, I have at present no reason for indulging a hope of being able to fulfil the expectation of the Honourable Court of Directors, until a species of silk-worms more capable of yielding good silks may be introduced into this part of the country."

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3906. Are you aware whether any measures had been adopted, according to the suggestions contained in that letter, for improving the breed of silk-worms in India?—I am afraid not, since Mr. Frushard, the gentleman mentioned, who went out to India and improved the quality, particularly of the Gunatea silk.

3907. Have you made any inquiries as to the quality of the

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India mulberry, whether it really differs from the mulberry in this country?—I have understood the mulberry there is generally raised from very inferior shrubs, merely the seed planted, and therefore inferior low shrubs.

3908. Do you know whether it is by nature the same plant? —I should suppose it must be the same; it came from China, and all silk originally came from China.

3909. Is the China mulberry a white mulberry?—I should think not. In Italy they have the black mulberry as well.

3910. Have you at any time received any further information on the subject of the culture of silk in India?—Upon the same points as referred to in that letter, I have.

3911. If you can give any further information upon the same point, the Committee would be desirous of hearing it?—I conceive one of the great evils is the purchasing the cocoons by weight. My opinion is, that it is possible to get as good silk from India as Italy can now produce; I can produce some cocoons raised in this country very good indeed.

3912. Can you state the relative prices of Indian and Italian silk, thirty-five years ago and now?—I think, since the time of Mr. Frushard's improvement, the Indian silk is deterioated.

3913. Can you furnish the comparative statement of prices at which you have purchased the Indian and Italian silk?—I am afraid that would furnish no criterion, for it has often been nothing but a gambling trade. The supply has frequently been unequal to the demand; then the prices went up enormously; and this thas been one great cause of the deterioration of the Company's silk. Orders have been sent out for more silk than could be well furnished, and the consequence has been that the supply of the quantity was looked to, to the injury of the quality.

3914. The price then has not been a proof of the quality? —It has not. I happened by chance to hear from a friend, that the worm which produces that silk (*producing some cocoons of white silk*) was a different worm from that which produces the yellow silk. He procured me some worms; and I found that, instead of being a white worm, it was a black worm.

3915. Do you perceive any inferiority in that silk you have produced to that produced in Italy by a similar worm?—Not the least.

3916. Do you apprehend, from what you have understood, that climate does not materially affect the quality of the silk produced?—As the silk worms are all kept under cover in-doors, I cannot conceive that climate can make any difference. Wherever mulberry trees will grow I conceive good silk may be produced.

3917. Are they kept within-doors in India?—Yes.

3918. Will you state the measures which in your opinion will enable them to produce silk equal to that produced in Italy?—I think the breed of the worm being improved, the best breed being got, and proper attention to their food and to the reeling, would produce it equal to that of Italy. 13 May 1830.

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3919. Have you at any time seen any sample of Indian silk which in your opinion was equal to that of Italy?—I think silk comes over for every sale that in point of quality is equal to that of Italy.

3920. Is that in small quantities?—In very considerable quantities; but owing to the way in which it is reeled it is very foul, and much inferior. I conceive there are four particular properties in silk, which are cleanness, evenness, staple, and quality. By quality, I mean bright and pale, soft and mellow, or harsh and hard. The greatest fault of all is want of cleanness, and that fault the East-India silk particularly has.

3921. Does that deficiency of cleanness apply to the best qualities of Indian silk?—Yes; little nibs upon the thread which prevent its being applied to the best purposes. This (*producing a sample*) is a skein of East India silk of very excellent quality; but it has the nib, which makes it what we call foul.

3922. Is that from want of attention in the reeling?—Yes.

3923. Have you a skein of Italian silk with which it could be compared in point of cleanness?—I have.

(The witness produces several skeins, and states the prices of them respectively to their Lordships.)

3924. In your opinion, is the natural quality of the Italian you have produced, which cost twenty-one shillings a pound, superior to that of the Indian silk which cost twelve shillings and sixpence a pound?—I think not.

3925. What gives it a greater harshness?—It may arise from several causes; from the warmth of the water in which they reel it, or from the bad food of the worm.

3926. There is no difference in quality?—I think the constituent principles of silk are all the same; let it be produced from what worm it will, its properties and quality will be owing to the mode of its culture, and in a greater degree to the difference in the manufacture.

3927. Is it not owing also to the difference of management of the worms?—If they are stinted in their food, very inferior silk is produced.

3928. Is not that the case generally in India?—I think it is.

3929. Do you conceive that arises principally from the want of integrity of the natives who conduct it?—From their aiming at quantity rather than quality, it being their interest to do so.

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3930. Does any method occur to you by which that might be obviated, by an interference of Europeans?—My opinion is, that it is of so much importance to the silk trade of this country, in its present state, to have quantity, that I should hesitate very much to deprive the trade of quantity, even to improve the quality.

3931. The inferior quality is wanted to be used in the manufacture of inferior articles?—We cannot improve quality without enhancing price, and in the present state of competition of the silk trade with other countries, it is China and Bengal silk which alone can enable us to compete with them.

3932. Is it the custom to mix different qualities together in producing the same article?—The price regulates in a great degree. In Italy the filatures descend from one generation to another; and they are so particular in the reeling, that the silk when it leaves the filature is sealed up, and never opened till it comes to the mill; they know the mark, and can rely upon it, and will often throw it into organzine for two per cent. waste without opening it, knowing they can always rely upon the quality.

3933. What is the difference of expence of freight from India to this country?—I cannot answer that question.

3934. There is ready market for the inferior qualities of silk, and has been for a length of time?—I think that since so large a quantity of Brussa silk (Turkey silk) has been introduced, the inferior Bengal silks have not found so ready a sale.

3935. Do you apprehend that it would cost more in India to produce the clean silk than it does to produce the silk in the state in which you have exhibited it to the Committee?—I have no doubt that to produce a fine clean silk they could not produce above two-thirds of the quantity that they could of the inferior quality; perhaps not more than one-third.

3936. Would not that materially affect the price?—As far as the expence of labour, the expence of the filatures, and the factory.

3937. Can you at all state the proportion which the price of labour on the silk bears to the total price?—No, I cannot.

3938. Is it not possible that carelessness in the workmen may produce a considerable proportion of that inferiority?—Principally; I think more probably want of skill.

3939. Has there been of late years any improvement in the machinery for reeling silk?—I have not heard of any in India.

3940. Has there been in this country or in Italy?—I have understood there was in this country; that Mr. Gibson had made some improvements in the reeling of silk. I conceive one

great defect in Bengal silk is what is called want of staple—want of strength in the thread, which I am of opinion is entirely from a defect in the reeling; and I am more convinced of this from an extract of a letter of July 1797, which seems to confirm that idea, that the silk was not sufficiently crossed—"Mr. Touchet, at Radnagore, desires to have a hundred sets of brass cog-wheels for the perfection of silk." It cost the Company a large sum for the consignment of this article, which was totally abandoned. It is to be feared the process of crossing, even by the simple process of the country, is neglected. It benefits the silk, but it is against the facility of winding. He is desired to report how they answer.—"Royaucalty, 15th September, 1787. I am not partial to the crossing machine; where cocoons are remarkably good, they may be of service; but there is seldom two bunds throughout the year that produce cocoons of stamina strong enough to resist their effects, and when this is the case the machines do more harm than good." In Italy, when the silk is reeled they reel two threads at once; those threads meet together, and are crossed round each other fifteen or sixteen times; then they separate again, and go to the reel, and form two skeins. Now, your Lordships must see immediately, that if there comes a nib or gout when it crosses so often it breaks there, consequently the thread cannot go upon the reel with those little nibs. What they call the staple is occasioned by the threads being thus crossed; it makes the fibres of the cocoons more compact together. The gum is of such a nature the hot water softens it, and makes the threads unite together, and makes a firm round thread; and in every process of the manufacture this first uniting together of the fibres gives staple, which it never loses afterwards. Now, that process not being enough made use of in India sufficiently accounts for the complaints we have of the East-India silk being of a soft nature, and not so firm.

3941. Can you see, by examining the East India silk, whether that process has been performed?—I am afraid not, because it is of so fine a nature no glasses would enable us to discover it.

3942. Is there any other information upon this subject which it occurs to you it would be desirable to communicate to the Committee?—I am not aware of any.

3943. You have said there is, in your opinion, no difference in the quality of silk, from whatever worm it is produced?—What I meant to imply was, that the silk was of the same nature or property, a species of gum or resin, from whatever worms produced; but I conceive the quality must in some degree vary, from the food or the bad treatment of the worms.

3944. Do you conceive the silk from the Indian worm to be inferior to that from the Italian?—Yes, from want of attention to the food and the breed.

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3945. Do you know whether those improvements which you understood Mr. Gibson had lately made have been improvements by which reeling has been more effectually done, or by which manual labour has been saved?—I think it is an improvement of the quality in reeling.

3946. Is the mode of reeling you have spoken of as being so useful in Italy pursued here?—There is no silk grown in this country for consumption; only for experiment.

3947. Is not raw silk reeled in this country?—No; there has been, for experiment; but labour in this country is much too dear to reel it here; the freight and the carriage of the cocoons would also be too great an expence.

3948. The improvement Mr. Gibson has introduced in the reeling is not carried on in this country?—I believe it is more by way of experiment than in any other circumstances.

3949. Have Mr. Gibson's improvements been adopted?—I think they have been adopted abroad, in France and Italy.

3950. Do you believe they have been adopted in India?—I am not aware that they have.

3951. Have you seen lately any fine samples of Indian organzine?—I have not; I never saw any Indian or China organzine. All the Indian goods I have seen have not been made with organzine, but with single warp.

3952. What is the quality of China silk as compared with Indian?—I think the quality of China silk is equal to that of any in the world, and the colour superior to any other; it is all white, or at least principally white, and of the most beautiful colour.

3953. What is the price the China silk bears in this country, as compared with Indian?—It is much about the same as the best Company's silk.

3954. It is inferior to the Italian?—Yes.

3955. Has it the same defects as the Company's silk?—In general it is not near so foul, and it has more staple.

3956. Is the quality of Italian silk supposed to be improving, or degenerating?—I think improving; some has arrived at perfection; it cannot be better.

The witness is directed to withdraw.

Ordered, That this Committee be adjourned till To-morrow, one o'clock.

Die Veneris, 14° Maii 1830.

The Lord President in the Chair.

The following Papers are delivered in by Sir Thomas Strange, and are read:

Extract of a Letter from the Right Honourable Lord Wynford to Sir Thomas Strange, dated January 1830. 14 May 1830.

Sir T. Strange.

Do tell me what sort of persons the Judges of the native courts are; and whether it would not be well to provide a supply of men regularly educated in Hindoo law, and in the principles of jurisprudence, to be appointed by the King to preside in those courts; as the ultimate appeal must be to the King in Council, the members of which cannot be expected to be Sanscrit scholars.

Extract of a Letter from Sir Thomas Strange to the Right Honourable Lord Wynford, dated 19th January 1830.

At the place from whence I write, I shall be able to give your Lordship the heads only of what I think on the inquiries you are pleased to make.

1. On the first point; *viz.*, "What sort of persons are the Judges of the native courts," I have little difficulty.

The Company's servants throughout the whole of our Indian possessions are, at the present day, generally speaking, well educated, well bred, and well principled. Your Lordship will understand me to be alluding to the civil servants, about whom your inquiry is. They are a most respectable body, from among whom I believe the ablest are selected for the judicial duty. Still these young men are not *jurisperiti.* Jurisprudence has but slightly entered into their education before they go out, and they have no means of obtaining proficiency in it, or much inducement to attempt it, after they have reached their destination. The languages are the principal objects of their study. By attainments in these it is that they are chiefly distinguished. Possessing these, more or less, they consider themselves as having got the key of all they want; prepared to solve every difficulty, and to discharge any duty. With regard to that of a Judge, I do not say that it is a maxim with them, that *ex quovis ligno fit Mercurius.* On the contrary, I do the Indian governments the justice to believe that they are, according to their means, careful whom they make Judges. What I mean is, that the state of the service does not exact in the candidates any appropriate knowledge or experience. The native courts have no learned bar, which helps to make a learned bench. They have nothing of the kind; and, in some respects, so much the better perhaps for the poor natives. Even the native law which they have to administer is, I apprehend, but scantily known among them, depending for the most part, as they do, upon their moolvies for the Mohamedan, and upon their pundits for the Hindoo law; of which latter persons your Lordship seems to have formed no very flattering opinion. In all my time I resisted the appointment of pundits to our court, thinking we should do better without them.

2. Your Lordship proceeds at once to ask, "Whether it would not "be wise to provide a supply of men regularly educated in native law,

14 May 1830. "and in the principles of jurisprudence, to be appointed by the "King?"

Sir T. Strange. This is a question of some delicacy, but with me not of more difficulty than the former one.

I have long thought it a desideratum in our Indian policy, that the King should have something to do with the administration of justice in the provinces as well as at the presidencies. It would appear to me to be for the efficiency as well as the dignity of judicature that it should be so. I have already touched upon efficiency. His Majesty has not, with reference to the interior, so much as *divisum imperium* with the Company. He is, with his Parliament, the controuling power in the government of India; strange that he should have nothing to do in providing for the due administration of justice among the millions in the interior! I am far, very far, from wishing to see the charter of the Company discontinued, and all power and patronage transferred to the King; but I ardently wish to see him in his judicial capacity, more or less, among the great mass of those his excellent subjects; by whom, in the exercise of this his paternal function, I know he would be received with reverence and affection, as well as with implicit obedience. He sends his soldiers among them; what good reason can be given why these should not be accompanied with his Judges?

What of delicacy there is in this question regards the patronage of the Company, and the jealousy of their servants; considerations fit to be attended to, but not in their nature decisive. The difficulty of it concerns the extent to which the royal intromission in the judicial establishment of the interior might with propriety be recommended.

I do not think that the case requires an entire supercession of the Company's judicial function in the provinces, such as has at successive periods obtained at the presidencies; at least I would not propose so great a change in the first instance. Your Lordship may know that for the purpose of judicature British India is divided into provinces and districts, called Zillahs. Without book or papers here, I cannot say off-hand how many there are of each belonging to the respective presidencies, or the proportion they respectively bear the one to the other. This information will be easily obtained from any Indian register. In the Zillah courts is vested the original jurisdiction of causes; the Zillah Judges and their Registrars sharing it in specified proportions; the Registrars acting as a sort of assistants to the Judges in matters of comparatively small moment, with an appeal from these courts to the provincial, and from the latter to the Sudder Adawluts at the presidencies. The provincial Judges (of which there are three to each court) exercise criminal jurisdiction, going circuits. I should be for leaving the Zillah courts as they are, for the present at least; and the provincial ones too, with the exception of the Chief of each, who I think should be appointed from home by the King. He, with his two Company's Assessors, would do much to keep all in order, to correct practice, and diffuse right principles. The delay and expense of justice in the interior are I fear crying evils; the accumulation of causes in many places immense; and the difficulty of getting at the courts at all, from the distance, often, of the suitors and witnesses, great, amounting almost to a denial of justice. Able and upright men, invested with the royal character, at the head of the provincial courts, might operate sensibly upon these evils; and the innovation would not need to be felt as excessive, either by the Com-

pany or their servants. On the contrary, I should hope that they would feel gratified by the association. It would have the effect of removing in some degree from the Company a great responsibility; and this advantage would attend the leaving untouched the appointment by the governments of the two provincial Assessors and the Zillah Judges, &c. &c., that the study of the native laws and customs would continue to form the duty of a portion of the civil servants, stimulated the rather to it by the arrangement in contemplation. To give due effect to such an arrangement, the Provincial Chiefs should be such in knowledge of the laws and languages, as well as in name and authority. In what way this might be provided for I am not quite prepared to say. Something might no doubt be done by the means we possess through study at home; and some test might be devised to satisfy the Chancellor as to the pretensions of a candidate. What occurs to me is, that a Judge appointed by the King for India might be required to remain upon his arrival at his presidency; his commission and a part of his salary suspended till he should have accomplished himself in a competent knowledge of the two native codes, particularly the Hindoo, as well as in the dialect spoken in the part of the country in which he would have to officiate. This is what a competent person from home would always be able to do in less than a year, in the course of which he would be deriving many collateral advantages from his intercourse with the presidency. It would be fit, I think, that whenever he might feel prepared to tender himself for the purpose, he should be liable to an examination in the particular language or languages, by persons to be selected for that duty; but not in the laws, his attainments in which I would always leave to the honour of an English barrister.

I come now to the Sudder Adawlut, the Court of Appeal from the whole, and the dernier one in India; a most important tribunal, the President of which should also, I think, be a person to be appointed by the King. His salary and advantages could not be less than those of the Puisne Judges of the Supreme Court: to rank with them according to the relative dates of their respective appointments.

Something of the sort of all this seems to me so obvious, that I forbear expatiating upon it: but one or two things I must not omit. The Company's Sudder is not attended by counsel: the King's should be open to them. By this means, the Judge would be always well informed, and the appeal would stand a chance of being better determined. In the event of an ulterior appeal, the Judge of the Sudder should be instructed to transmit with it, in detail, the reasons of his judgment, for the information of the King in Council. It is so, I believe, in all our western colonies, where an appeal is made from the Supreme Court to the Governor and Council of the colony; it was so, at least, I know at Halifax in Nova Scotia, where I twice attended upon writs of error, and delivered in person to the Governor in Council the reasons of the judgment alleged to be erroneous.

Should the suggestion offered in the above letter of the 19th of January be thought fit to be adopted, the Sudder Adawlut, attended by counsel, might be made a useful school of law, and preparative for the Company's Judges; the young servants of the Company destined for the judicial department being required to add to their proficiency in the languages a regular and constant

14 May 1830. attendance in that court, to qualify them for judicial office. It would be well, also, if they were required to attend the Criminal Sessions in the Supreme Court, during the year in which they might be attending the Sudder.

Sir T Strange.

As to extending the jurisdiction of the Supreme Court to the interior, or introducing its machinery, with the necessary appendage of barristers and attornies, into the courts there, there is nothing that I should more deprecate. I speak with reference to Madras alone.

ROBERT RICKARDS, Esq., is called in, and examined as follows:

R. Rickards, Esq.

3957. In what situation were you in India?—I was appointed a writer on the Bombay Establishment in the year 1789, and after that filled several subordinate situations in the revenue line. I was afterwards Private Secretary to Mr. Duncan, when he was Governor of Bombay. After that I filled the appointments successively of Commissioner in Malabar; Chief Secretary to the Government of Bombay; Principal Collector of Malabar, for, I think, about two years; and, finally, a Member of the Government of Bombay, which I left in 1811; and since that I have not been in India.

3958. The official situations you have filled have afforded you an opportunity of being well acquainted with the nature of the revenue systems of India?—I had occasion to inquire a good deal into the revenue systems of India when I resided in the country, and I have since perused a great number of reports and official documents on the same subject; I have consequently drawn my opinions as well from my own experience as from the result of these official papers.

3959. Do you know whether attempts have been frequently made to ascertain the produce of the country by the means of surveys; and whether those surveys have been made with great accuracy or not?—Surveys have been frequently attempted, for the purpose of equalizing the land-tax of India, and reducing it to just and moderate principles; but I believe that all those surveys, as far at least as I am acquainted with them, may be considered to be complete failures. Perhaps it will be as well to explain to the Committee what the nature of the land-tax is. When we succeeded to the Mussulman administration of India, we found principles adopted by the Mussulmans which, of course, it was natural for the British Government at first to continue. These principles were founded upon the Mussulman doctrine of the rulers of the country being also the sole proprietors of the soil, and, as such, entitled to one-half of the gross produce of that soil, as a revenue or land-tax. We adopted this principle from the Mussulmans upon succeeding to the administration of the Dewanny in Bengal; and this principle has been not only avowed by the Company's government, but continued for a great number of years to be acted upon by their servants. It is

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obvious that under the operation of such a system there can be no such thing as net rent, consequently no such person as a landlord, properly so called. The gross produce of the land would necessarily come to be divided between the government and the ryots employed in cultivating it. The whole class of landed proprietors came thus to be abolished, or reduced to beggary, throughout the whole of India where the Mussulmans had established complete sway; but in order to the realization of this right, and to ascertain what might be the gross produce of the land, surveys have been attempted in different parts of the territory subject to the British government. Those surveys have been effected by native officers, followed by another class of officers, commonly called assessors, to fix the rate and amount of taxation on the land so surveyed. From the result of some attempts made by myself, and from all the attempts of which I have seen reports from other official servants in India, I consider these surveys to have been complete failures. The consequence is, that all the revenue accounts of land and its produce which have been of late years examined by the European Collectors of India have been for the most part, indeed I may say generally, if not universally, found to be mere fabrications. When I was Principal Collector of Malabar, a very remarkable proof occurred to myself. I succeeded to a gentleman who had lately effected what was called a ryotwar survey of the province, founded upon the principles which had been adopted by the late Sir Thomas Munro in the Ceded Districts. This survey was found to be extremely incorrect. I reported its inaccuracies to the Revenue Board at Madras. The Revenue Board were rather displeased at the discovery, and required proof of the assertion, because this survey had been effected by one of their own favourite Collectors. At this time I had a number of European Assistants, whom I had stationed in different parts of the province of Malabar, giving them certain circles to superintend. I accordingly instructed these several Assistants to compare the ryotwar survey with particular spots of their respective divisions; which they accordingly did, and reported the result to me, as Principal Collector. These reports contained the clearest proof, upon personal inspection by the Assistants themselves, of the grossest errors in regard to the assessment. Many of the lands were found to be over-assessed by more than the whole amount of the gross produce; other lands were greatly under-assessed; and others, that were properly subject to the assessment, were not assessed at all. But the most remarkable discovery made upon this occasion was, that there were several spots of land inserted in the survey accounts which upon examination by the Assistants in their several divisions were found to be actual jungle, and never to have been cultivated within the memory of man, although in the survey accounts they were most minutely described as containing so much rice land, so many gardens, so many plantations of taxable trees, &c. All this I reported to

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the Revenue Board at Madras. It may however be added, since the surveys that take place in India are even in the present day sometimes dwelt upon as being capable of producing the beneficial results which were anticipated from them by Sir Thomas Munro, the great patron and advocate of the ryotwar system, that having had occasion to express myself elsewhere upon the subject of those surveys, after a critical examination of their merits, the opinion which I gave on summing up that examination will, I think, if I have the Committee's permission to read it, give a better idea of the nature of those surveys, as well as the utter impracticability of their being carried into effect with the least accuracy, than any thing I could here verbally adduce. In reference to the main object of these surveys, which is to ascertain the gross produce of a large extent of country, I expressed myself as follows: "A proprietor or farmer of land, or both together, residing on the spot, and knowing from year to year the exact produce of every field occupied, may fix the value thereof with accuracy between each other, in reference to rent, which the officers of government might find no great difficulty in afterwards ascertaining, and taking therefrom a fair proportion as revenue or tax. But for public assessors to ascertain the real gross produce of every field of an extensive empire, not only without the aid but in opposition to the will, because opposed to the interest, of the occupants of the soil, is a task of which some conception may be formed by those who will take the trouble to reflect on the following circumstances:

"Let us suppose England to be divided into small tenures not much bigger than Irish potatoe gardens;* the produce of the soil a great variety of articles, of which some one or more come to maturity in almost every month in the year; the present landlords forced to emigrate, or reduced to cultivate their own lands, or perhaps converted into Zemindars, with power to exact, fine, flog, and imprison, *ad libitum;* the land-tax fixed at one-half the gross produce, to be ascertained by admeasurement of every acre, and by valuation, or by weighing the produce, or, in the event of difference of opinion with the cultivators of any village or district, by calling in the farmers of a neighbouring district to settle the dispute; from the oppressive as well as vexatious nature of this tax, let us also suppose that the fears and jealousies of government occasion the appointment of hosts of revenue servants, armed and unarmed, some to make, others to check the collections; that accounts and check accounts be also multiplied, to guard against imposition; and that servants required for these various purposes be authorized to collect additional imposts from the cultivators, or to have lands assigned to them as a remuneration for their own services; and that under colour of these privileges and grants, excessive exac-

* In the Ayeen Akbery these portions are stated at thirty to ninety begas of arable land, corresponding with ten to thirty English acres.

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tions are enforced, leaving but a bare subsistence to the farmers; that this system of taxation should be liable to increase with every increase of cultivation; that the defalcations of one farmer or of one village should be made good from the surplus produce of others; that the spirit of the people should be so broken by the rigours of despotic power as to suffer the government with impunity to step forward and declare itself sole proprietor of all the lands in the country; and that its avarice and cravings had so multiplied imposts as to inspire cultivators with the utmost alarm and dread whenever changes or reforms were projected in the revenue administration, lest (as was generally the case in India) further additions should be made to their almost intolerable burthens; let the reader, I say, consider these things, and then ask himself whether a government Assessor, with every soul in the country thus opposed to his research, is likely to attain the requisite information for justly valuing every acre of cultivated land, including every variety of soil and of product; or, if it could be justly valued, whether the Collectors of such a government were likely to be guided by any better rule than to extract from the contributors all that could with safety be drawn into their own and the public purse."

3960. Have you been much in the interior of India?—I have visited several of the districts of India under the Madras government. I have been through parts of the Concan and the Deccan, and have also visited, I may say repeatedly, every part of the province of Malabar.

3961. Will you state the effects which, according to your observation, seem to be produced upon the people by the operation of the revenue system?—The effect of the system I have thus alluded to is in every part of India universal poverty and ignorance, as regards the great mass of the people. It has been observed by all of our ablest public servants; it is a manifest consequence of our revenue systems, and most observable where those systems prevail. The case is different in some of the great commercial towns or capitals, such as Calcutta, Madras, and Bombay, where commercial enterprize is, generally speaking, much more lightly taxed In those places we observe the accumulation of wealth, accompanied by a considerable progress in civilization and in knowledge.

3962. Can you state to the Committee any mode by which you conceive the state of society in that part of India subject to the British government could be improved?—I think it might be greatly improved by employing the natives more generally than we do in the administration of the country. I take one great cause of our failure to be the little regard that has been paid to the natives; the distance at which we keep them. We estimate their experience and their talents too lightly; the whole of our administration in India is consequently too much founded upon European notions and doctrines; and if the natives were

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3963. Do you conceive that the ryots have any opportunity now of accumulating capital?—Under the system which I have described it is obviously impossible. They are kept in a state which gives them little more than a bare sufficiency to keep body and soul together. The poverty of the ryots is extreme; the cultivation of the country is consequently in a low state, and far less productive than it would be if greater capital could be employed to improve it; but in the present state of the ryots it appears to me quite impossible. The system in India is in fact very like what has been described in Europe under the denomination of the Metayer system. It is a division of produce between cultivators and proprietors; the only difference being that in India the proprietors are the government, or ruling power, whilst in Europe there are individual proprietors deriving a net rent; but the cultivators under the metayer system being, like the ryots of India, in a state of the most destitute and wretched poverty, the condition of the latter may be judged of by comparing it with that of the former; as long as the system continues it is therefore quite impossible that any capital can be accumulated to promote internal improvement.

3964. Has not the East-India Company made repeated and anxious exertions to improve the state of the ryots?—The governments of India have been most anxious upon that subject, as well as the Court of Directors in this country. The orders of the Court of Directors abound with able and humane instructions to their governments abroad, for a just administration of their territories committed to their charge. Many of these very able letters are now in print, and do great credit to the Directors of the East-India Company. I particularly refer in this place to those which treat of "Protection to the ryots." But the circumstances which I have mentioned—the oppressive nature of the land-tax—the numerous host of subordinate public servants necessarily employed to realize and collect it—the total impossibility of controuling those servants by the authority of the European Collector, and the exactions and fraudulent impositions and oppressions committed by those persons on the ryots, have hitherto presented an insuperable bar to the benevolent wishes of the Court of Directors and the local authorities in this country being carried into effect.

3965. Do you conceive that the judicial system that is now pursued in India is susceptible of improvement?—I think it is susceptible of very considerable improvement; and in any at-

tempt at reform or improvement in India I should certainly recommend that we were to commence with the judicial department. Our judicial system in India was first introduced by Lord Cornwallis, in the year 1793. There were then courts established for the administration of justice, and altogether separated from the revenue servants, in whose hands the administration of justice had been before. The principle upon which Lord Cornwallis acted on that occasion was perfectly unobjectionable; but the courts which were established under the system his Lordship then adopted were entirely founded upon European notions of justice and European forms of practice. The consequence has been, that the courts were soon overloaded with business, without effecting the object the government had in view, of affording complete protection to the ryots. It appears, indeed, by several official reports now in print, upon the subject of the judicial proceedings in India, that the ryots are to this hour, I believe, as little protected against the artifices of designing men, and more especially of the natives filling official situations, as they ever were. It may indeed be apprehended, that no system will be efficient for affording complete protection to the native inhabitants until some important changes take place, as well in the judicial as in the revenue department. In speaking of the revenue department, I here allude to a gradual reform in the system of taxation; because, as that taxation employs such a host of persons to collect it, whose acts it is impossible to controul, oppressions and enormities are constantly committed, which our courts of justice, as now constituted, are very unequal to repress. There is a very able minute upon this subject, by Lord Hastings, then Lord Moira, dated the 21st of September 1815; and there is also a Regulation, passed in 1821, the preamble of which contains a long and minute detail of the enormities that have been committed by our native servants, both in the revenue and judicial lines of the service. These documents I would particularly recommend to the attention of the Committee, as tending to shew what little effect our laws have had in protecting the ryots against acts of fraud and violence; in which it is lamentable to observe that persons in official employment are stated to be the principal aggressors. The Regulation is numbered One, of 1821.

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3966. Do you think that advantage would arise from the increased employment of the natives in the administration of justice in India?—It appears to me that what has been always wanting, and is still wanting, in India, is a code of laws suited to the habits and usages of the people, and to existing institutions and associations among themselves, particularly such as have been long established, and are well understood by the community at large; and what I would beg leave to r... commis- for this purpose is — ...h in those ...n where

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First, The collecting into a written code, or distinct codes, all that is useful from the law authorities of the several castes in India, adding thereto all such native usages and customs as would be classed in this country under the denomination of common law, and reducing the whole into regular and appropriate enactments applicable to the different castes or races of the population:

Secondly, Provision for giving due efficacy and effect to the laws when enacted, by the establishment of such courts, under European or native Judges, as the case may be; so that justice may be given to applicants at a cheap rate, and at, or as near as possible to, their own homes:

Thirdly, The establishment of such a course of practice in the several courts as shall effectually prevent needless delay, expense, and vexation; and,

Fourthly, What I consider of paramount importance, the appointment of a permanent native committee or council, either with or without an European president, to revise and amend, alter or repeal existing laws, and to assist in the formation of new ones, and to watch with unceasing vigilance such as may be consequently confirmed, so as to be enabled to report to government, as the superior legislative authority, such amendments, modifications, or repeals as circumstances shall appear to render expedient or necessary. The power of originating laws should also be extended to this committee or council, who would submit the same to government for confirmation; and no new law should be put in force that had not received the approbation of the said committee.

It may perhaps be thought that this latter suggestion is a bold measure. When I first suggested in 1813 a more extended employment of the natives of India, the proposition was then thought visionary. Since that period some of the ablest servants in India have been convinced of the indispensable necessity of employing the natives in official situations, more generally than was formerly the case; and I do feel convinced, that if such a committee or council as I have now suggested were assembled at the different presidencies of India, and men of known ability and experience selected for the purpose of composing it, the greatest good might be expected to result from it, as well in revising existing laws as in passing other regulations both for the judicial and the revenue departments, such as would enable us to carry on the general administration of the country much more successfully than it has ever been done hitherto. When I left India, I knew several natives who were well calculated to execute a duty of this kind. Since I left in this the progress of knowledge, and the acquirement of the 3965. nguage and literature, have been so great, that I feel pursued in in now saying there must be numerous natives in susceptible etter qualified for so important a trust, and who

would be highly gratified in being selected for such distinguished employment. I have been the more particular in recommending this native council or assembly to the consideration of the Committee, from the conviction of my own mind that without it we shall still be wandering in the dark in India. But I would also employ the natives in other important situations; I think many of them well qualified to be Judges in the different courts. Of late years, they have been more extensively employed than formerly, in inferior situations, such as district munsiffs—village munsiffs; that is, local judges, or justices, with limited authority, in small divisions of a collectorship or Zillah. Latterly, their powers have been somewhat enlarged, in consequence of its being experienced that they executed their duties in many instances with great ability and integrity. There are, no doubt, on the other hand, instances of corrupt and vicious conduct among the natives so employed; but lapses of this nature are, in many instances at least, fairly to be accounted for from the present state of Indian society. When moral improvement is more generally introduced among them, their manners as well as their principles will assume a higher scale. Such indeed is my opinion of native Indians, that I think they might be trusted with greater judicial authority, and employed in higher offices than are now conferred on them. I think, for example, that it would be found of great use in every court in which an European Judge presides to have one or two native Judges, as the case may be, sitting on the same bench, with adequate salaries, suited to the dignity and respectability of the situation. Those Judges would be of infinite use in the examination of witnesses, in facilitating decisions in all cases, more especially of caste, and disputes regarding property, inheritance, adoption, and other local usages peculiar to the natives of the country. In respect to criminal trials, their experience and co-operation would also be of essential service. They might likewise relieve the European Judges and Registers from much of the present official details of their respective courts, which are in many instances quite overwhelming. In these various ways, therefore, I think that the aid of native Judges, both in the civil and criminal courts, would be attended with the greatest advantage. I could mention an instance in this respect that might perhaps be considered in point. I once presided myself in a criminal court in India, where numbers of prisoners were brought before me for trial, and some for capital offences; the witnesses upon these trials were necessarily examined through the medium of interpreters; and so difficult did I find it to ascertain the real merits of the case, in several of those trials, that I could not in my conscience venture to recommend a sentence of death, even where prisoners acknowledged, as they often would do, the commission of the imputed crime. The sentence of death in those

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cases happily did not rest with me; neither would I singly have undertaken the responsibility of its execution.

3967. Are you of opinion that the natives might be employed as jurors with great advantage?—I have no doubt that the natives would be highly gratified with being employed as jurymen generally. I have seen many letters and representations from natives upon the subject of the introduction of jury trial in India, in which their objections, even where they did object, have mostly rested upon the circumstance of their being only allowed to serve as petit jurymen; but if the privilege was extended to them of sitting on grand juries and special juries, I am confident it would be very generally adopted by the natives, in as far as it would tend to raise them in the estimation of the society in which they dwelt. I am also of opinion it would be of great use in the administration both of civil and criminal justice in India; for I am sure that natives are far more competent to examine witnesses of their own caste, or the inhabitants of their own country, than Europeans are; they would thus be of the greatest use in eliciting truth in all cases of importance. But it is a curious coincidence, that on this subject I received, only a few days ago, a letter from a native of great respectability and rank in Bombay, touching particularly upon the subject of jury trial. The writer of the letter, as is generally the case in countries where the inhabitants live under an arbitrary government, is exceedingly desirous that his name should not be known, and he has begged of me to suppress it; but knowing the individual personally, I can vouch, not only for his high respectability, but for his rank and consequence in native society. The letter, of which this is an extract, touches, not only upon the subject alluded to, but upon some others which have been discussed in the course of this examination; and if it be acceptable to the Committee that I should read it, I shall do so with pleasure. The language, being English, is not quite so grammatical as some other letters I have seen from natives of India; but I give it precisely in the terms in which I received it. It is dated the 12th December 1829, and addressed to myself. "Perceiving," he says, "that you are anxious to be acquainted with occurrences from this part of the glode, relative to the natives under British government, I, though inadequate to the task, yet undertake to give you some account, and I trust when this meets your eyes it may be useful.

"Although there are accounts all over India, pretending to show that the natives living under British government are quietly and peaceably enjoying themselves happily, I have no hesitation in asserting, when their concealed sufferings from the several present systems of government are unfolded," (I beg to say, that when he speaks of the present system of government, he alludes to the system of revenue which I have mentioned), "that there cannot be any impartial and reflecting mind to fail

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to be convinced of the hardships on the part of government which the natives are unfortunately subjected to, which in justice require the attention of the British Parliament for reform or modification. The impositions are numerous; and if I were to detail all of them singly, it would fill up a volume. I shall therefore give you a few, which plunge the natives (especially poor class of people) more immediately into extreme poverty and wretchedness. Cultivators tilling the lands for subsistence, to whom all other means of employment being wanting, from the rigour of the English revenue institutions, and the exorbitant rate of land-tax still existing, derive from cultivation of their lands a scanty maintenance for themselves and their families, after a hard labour of twelve months, leaving little, or some of them rather no surplus produce, to answer the demands of government for revenue, and to supply all expenses of cultivation and implements of culture, and to save seed for the ensuing year; consequently are compelled to borrow money at heavy interest upon mortgage of their coming crop; and are, from these circumstances, doomed not only to a miserable but a confirmed state of poverty. These revenue institutions and high taxation, therefore, if not removed, ought to be modified, to relieve the great number of ryots of India, and the landed proprietors in general, from the present distress.

"The government here are well aware that the hackery and cart drivers live solely upon the hire they daily get. The former may, with a whole day's labour, bring scarcely one rupee, and the other half or three-quarters of a rupee; notwithstanding, the wheel tax is raised to such an extent as thirty to forty per cent. on average upon the first established tax, that these poor people can scarcely reserve a trifle to maintain themselves and family, the most part of their earning washing away by paying the Company's tax and feeding the cattle; and when they become in arrears of payment to government, the hackery and cattle are liable to seizure and sale by public auction, for its payment; by which they not only lose their property, but also the means of acquiring the necessaries of life. It is not only ruinous to the poor class of people, but to the community in general, as the wheel tax of chariots, buggy, and coaches are also increased to the above extent. The wheel tax is moreover leased, since last year, to the highest bidder, which is no less detrimental to poor people. Unless a change of these oppressions and hardships is adopted, the population must lead a deplorable and miserable life.

"The tax exacted from the poor bhaudary, or toddy drawers, upon each cocoa nut, brab, and date tree, is too heavy, in proportion to its produce and the monthly rent paid to its proprietors. There leaves a trifle to the bhaudary, after paying the owner of the tree and government, which can scarcely suffice to maintain himself and family; consequently the proprietor's

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payment is always left in arrear for five or six months, owing to their being forced to pay first the government's unproportionate demand, which is claimed as its own share; besides the imposts when toddy is distilled in spirits. From so many payments upon each tree, you will, no doubt, be able to judge what remains to afford subsistence to these poor people, or whether they are reduced to extreme poverty or advancement; and if it is called justice to the poor inhabitants, by government taking a large proportion of produce, and thereby leave the unfortunate people entirely destitute of the articles of life. The system of taxations, in general so high-rated, as collected here, is too obviously inconsistent with all sound principle. If the British government wish the prosperity of India, how should they think it possible for any to prosper under the pressure of so heavy an imposition. Unless they remedy the evils resulting therefrom, the natives, it appears, will be rather deprived of their lands and hereditary possessions in a very short time, and its families reduced, from a state of influence and respectability, to heavy distress and ruin; and it is hoped that you may be able to put this to the feelings of those gentlemen of the highest authority who may hear you, on the expiration of the charter.

"Sir Edward West, our late learned Judge, did the honour of permitting the natives into the petit jury; on which occasions the Europeans evinced their utmost displeasure of sitting with them; but the learned Judge supported the natives, and on several occasions expressed in a very handsome manner a satisfaction from the verdict they had returned upon cases tried before them, as will be found on reference to the Bombay papers. Nothwithstanding, it is grievous to observe the opposition for admitting natives to the functions of grand juries, upon a pretence that they are not eligible to act as such. There is no doubt that in former times they were not sufficiently acquainted with the English language; but at present there has been a great improvement acquired, and still further improvement in young ones is expected, from the institution of schools; and if a proper selection is made, there will be found, it is presumed, a sufficient number of worthy natives;—Portuguese, Parsees, Hindoos, and Mahomedans, at present, of very ancient respectable family, intelligent, and worthy to discharge the functions of grand jurors equally as the Europeans, more especially as they are acquainted with the languages of the country, and customs. To this effect the natives of this place have made a petition; and it is hoped it will obtain the desired object if the parliament will take this important point into consideration; and it is also in contemplation of petitioning as to their being admitted in special juries; and further, it is deplored that distinction exists between Europeans and natives on all occasions, being at the same time as much entitled to consideration and respect as the Englishmen are. Besides, the

natives have a just claim to participate at least in some share of civil offices, as well as in the magistracy and in the justice of the peace, and regret their being excluded entirely therefrom. In the second office they will be better Judges than Europeans, being well acquainted with the race of natives, their different languages, habits, conduct, means of their living, and customs of the country; and it is not to doubted that they want * ———— for a good administration of justice, and that there is no honesty of dealings in them. The natives who are the principal inhabitants of this place are descended from families of respectability and good blood, but in the sight of Europeans are absurdly considered as lowest of the nations, for which they are generally down-hearted and vexed. Both in the police line and in the justice of the peace, here, Europeans are only admitted. Some of them are so young, inexperienced, and unacquainted with the manners and customs of the people of the country, that they decide causes as they like, founding only upon the Regulation, without making any particular inquiry into the spirit of the transaction before them, and as to the condition of the people brought before them for trial. It is because they cannot have proper knowledge of the country. But if the natives should be admitted, and if any thing should appear striking their minds for alteration of the Regulations, and from the better notice they possess of their own country than Europeans, they would of course appeal to the highest authority for amendment of facts and regulations, thereby rendering a better administration of justice in their own country, and at same time satisfactory to the population. About this important point the Europeans never think of, but they go upon the laws and Regulations of England; be it right or wrong, or inconsistent with the customs of the country, decisions are passed. Unless the natives be admitted as magistrates, justices of the peace, grand jurors and special jurors, the measures to be adopted for the future good government of their own country cannot take effect. Further, it is a matter not to be disputed, the natives being born under the British colours, and thus continued for nearly three or four generations, why should they not be entitled to the same liberty and privilege in their own country as the Europeans. Thieves are introduced into the country in numerous and unresistible gangs, incorporated with sepoys of the battalions, and others, committing murders and depredations even in day time, by which inhabitants are from time to time robbed of all their property; but we do not see any arrangement on the part of police so as to lead to the detection of these freebooters, or to afford any assistance to the people when they are attacked by thieves; but every one are obliged to get their property and their lives secured to themselves at their own expense, by

* Word not intelligible.

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keeping guard to watch during the night, notwithstanding government collect assessments and several high rates of taxes from them for defraying the charges of police establishments. The natives dare not to come forward to make representation to the highest authority in England against the government, being afraid that such attempt might produce against them serious effects, the government having power to do all they wish; wherefore these inconveniences and prejudices are suffered. In this deplorable condition are the inhabitants placed under the British government, without having any body to take their part; on which subject you will have heard several publications."

3968. What special juries have they now in the courts?—Only in the King's courts in India established at the several presidencies.

3969. Would you recommend the extension of the trial by native juries to civil as well as to criminal cases?—In the provincial courts I would, certainly; for there several cases occur, (adverted to in a former answer,) of caste, inheritance, and adoption, on which the natives are much better calculated to pronounce than Europeans.

3970. In what relation, in point of authority, to the European Judge would you propose to place the native Judge who you think should be nominated as assessor to him in the Supreme Courts?—I would place him upon the bench of the Adawlut courts, to which my proposition refers, in the same way that Puisne Judges are placed on the benches of the King's courts. The European Judge of course should be the chief Judge of the court; but I would give the native the authority, as well as the distinction and title, of a Judge, when he sits in either of the courts which I have recommended.

3971. Would you propose, then, that the decision should be by a majority of the Judges?—Certainly.

3972. Have you reason to think that the natives would be as well satisfied with the decisions of such Judges as they are now with the decisions of European Judges?—I should think that on the whole they would be better satisfied; and for this reason, that decisions might be much more expeditiously passed, and in many cases more conformable with the usages and the comprehension of the natives themselves; one of the great inconveniences now complained of in the administration of justice in the Zillah courts being the great delay which necessarily takes place there in the investigation of causes.

3973. Do you think that an equal degree of confidence would be placed by the natives in the integrity of native Judges as of European?—I think there would; for where an European Judge presided it would have the same effect as at present, of obviating all doubt on the score of integrity.

3974. Are there any other modes besides those you have stated, in which you think the natives might be employed with advantage in the general administration of India?—They might be employed with equal advantage both in the revenue and in the police departments. At present, I would say that our systems of police exhibit perhaps the strongest proofs of failure as regards our Indian administration; and this, I think, arises in a great measure from two causes. The police of India was formerly entrusted to the Collectors of districts. Upon Lord Cornwallis's new Regulations being introduced, in 1793, the police was transferred to the magistrates of the different Zillahs; but after a long course of experience, being found to be inefficient in their hands, the superintendence of the police has been again transferred to the revenue department, giving at the same time to the Collectors authority as Judges in revenue cases, and as magistrates in their respective divisions. But in all these changes the parties to whom the duties of police have been entrusted have been so overloaded with other business, that their police avocations have only been with them a secondary object. I think that both the Collectors and the Zillah Judges, as matters now stand, have a great deal too much to do in their respective departments ever to be able to give that attention which is indispensably neccessary to the duties of police, to render that establishment effective for the protection of the persons and the property of the people. This I think is one cause of failure. Another arises in a great measure out of our revenue systems, which are universally so oppressive to the natives as to occasion, on the part of all those who are in local authority or who have local influence in the country, either an indifference to the success of our measures, or else a spirit of direct hostility. As long as this state of things exists—as long as there is no congeniality of feeling on the part of the natives of India with the ruling authority —it will be impossible, in my opinion, for an efficient police ever to be established in India. This, therefore, I take to be another cause of our failure. But if the native Committee or Council which I have recommended in a former answer was established in India, and if natives were raised to the other high situations, both in the judicial and revenue departments, which I have also suggested, it would be a means of attaching the native population so very much to the British government, that then the local influence of the natives themselves, so indispensably necessary to the general success of our measures, might confidently be expected to be exerted in our favour; and when that was the case we should feel the advantages of it, not only in the police department, but in all the other branches of the administration of our government.

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3975. Do you think the natives are now sufficiently educated to enable them to fill with safety and advantage the situations which you have mentioned as being such as might be hereafter

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3976. Do you conceive that benefits in the way of moral improvement would result to the natives, from a free settlement of Europeans in India?—There has been a great deal said upon the subject of free settlement, or colonization, as it is generally called, in India. My opinion upon that subject is, that if the natives of India were adequately protected in their persons and property, very considerable advantage would result from the admixture amongst them of Europeans of respectability. I do not conceive that any Europeans, except persons of capital, or of good education, would ever resort to the interior of India, for the lower classes of people could hardly find employment in that climate; they could not labour in the open fields, neither do I think they could labour with advantage even under cover, owing to the great heat of the climate, and its usual effects on European constitutions. There appears to me, therefore, very little probability that the lower classes of Europeans would ever have sufficient inducement to settle in the interior. It has been

thought necessary hitherto to guard the natives of India against violence and oppression on the part of Europeans, by prohibiting their going into the interior; and perhaps, as matters now stand, that prohibition is necessary. This, in fact, is one of the reasons which induced me to suggest in a former answer, that the business of reform or improvement in India should begin with the judicial department; for if efficient laws were once put in force for the protection of the inhabitants, I then conceive there could be no danger or difficulty in allowing Europeans of capital to settle in the interior of the country; and I think that by the admixture of persons of that description with the natives, great advantages would result to the latter, not only from the expenditure of capital among them in the support of industry, but also from the example of the greater skill of Europeans in various arts and branches of manufacture. It would likewise have a tendency to diffuse European literature and knowledge among the natives of India, which would unquestionably very much conduce, in my opinion, both to their moral and probably to their religious improvement. 14 May 1830. — R. Rickards, Esq.

3977. Were you acquainted with any Englishmen resident in the interior?—I was; I knew several; three or four who resided at different times in the province of Malabar, and in Travancore; but one in particular, Mr. ———, who resided in the interior of Malabar for a great many years; I believe forty years altogether. He latterly possessed a landed estate in the district of Randaterra, and resided on that estate until the period of his death, about two years ago.

3978. Did you observe that the residence of that gentleman in Malabar tended to the moral and religious improvement of the people in his vicinity?—He was but a single individual; and much of the effect which I should anticipate from the general introduction of European residents could not be expected from a single person. This gentleman I know communicated freely with the natives; and being a very able person himself, and talking the language fluently, I have no doubt he communicated much of his own knowledge to several of those who resided in his neighbourhood, and held intercourse with him.

3979. Are you aware that it is on oath before the Committee, that that very person was accused of stealing women and children from Travancore, and making slaves of them?—I never heard of it while I was in India; and from my knowledge of that gentleman during the time I resided in Malabar, I cannot conceive him capable of such a transaction, or of having been in any degree accessary to it.

3980. Were you acquainted with his history before he went to India?—Not particularly. I knew him for many years in India, and had frequent intercourse with him there. I had never reason to suppose him other than a perfectly honourable,

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well disposed, and highly-talented man, and always partial to the natives of India. I would beg leave to add, in justice to the gentleman in question, that if the accusation against him on the record of this Committee has merely reference to agents whom he had occasionally employed in Travancore, for other, probably commercial, purposes, such acts on the part of the agents might have occurred, and be easily accounted for, altogether independent of any sanction, controul, or even connivance on the part of their principal, since the most criminal acts are frequently committed by native agents acting in subordinate capacities, under both Zillah Judges and Collectors, in almost every part of India, of which such Judges and Collectors being altogether ignorant as well as innocent, it would be hard on them to be accused of participation in the crime. This gentleman, during the time I knew him, was so much respected by the Bengal Commissioners, when they were sent round to Malabar for the settlement of the country, as to be employed in confidential situations by them. He was afterwards appointed to a situation by the government of Madras; and I believe obtained from that government a grant of the estate which he held in Malabar, partly at least, in consideration of the sense which they entertained of the services he had rendered.

3981. Do you apprehend that any improved system of controul on the part of Collectors and Magistrates would have the effect of preventing those improper and tyrannical acts on the part of the agents acting under them?—I very much fear it will be impossible, without some important change or reform of our present systems. The result of our experience, ever since we have been in possession of the Dewanny in Bengal, and in every district we have subsequently acquired, confirms me in that opinion.

3982. Do you not apprehend that the agents of Europeans might, under the idea of obtaining their protection, be more disposed to commit tyrannical acts than the agents of natives in similar situations?—I believe that the agents of Europeans in authority never commit any acts of oppression towards the natives in the hope of gaining the favour or protection of their superiors; on the contrary, those acts are almost always committed unknown to the European authorities, or to the European persons by whom such agents are employed. There is always, from the little intercourse that subsists between us and the natives of India, the greatest difficulty in detecting such acts of oppression, and bringing the perpetrators to justice; and this is the cause why they are so often committed with impunity.

3983. Do you think it would be expedient to promote a more general residence of Europeans in the interior of India, without making them amenable to the same courts before which the natives must prosecute their civil suits, and appear in the event

of their being accused of criminal acts?—That is exactly what I should propose. It is with that view that I recommended improvement in the first instance in the judicial department; for if the natives could be adequately protected, I think every difficulty would be removed in the way of admitting respectable Europeans into the interior of India; but those Europeans I would unquestionably subject to the same laws and to the same courts of justice as the natives themselves; and upon that condition alone do I think they ought to be suffered to reside in the interior. Perhaps it may be right to make some exception as to capital offences.

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3984. In what manner would you so alter the law as to make it equally consistent with the prejudices of the natives and with that of the European residents?—I have already stated that I think it would be impossible, or almost impossible, for any European to suggest the laws that ought to be enacted for this purpose; we have hitherto tried it for upwards of half a century, and tried it in vain; and it is upon these grounds that I have taken the liberty of so strongly recommending to the consideration of the Committee the appointment of a native council at each of the presidencies, for the purpose of assisting in revising the laws now in force, and enacting fresh ones, such as may be more consonant with native usages and habits, and more efficient to guard the rights and the interests of the native community.

3985. Would you subject the rights and interests of European residents to a system of law formed by a native council?—Certainly I would, if they chose to go and reside amongst the natives. Every one who resides in a foreign country necessarily subjects himself to the laws of that country; and I see no reason why Europeans in India should not be subject to the laws of India, if those laws were passed with due consideration to the rights and interests of those intended to be governed by them, and finally scrutinized and confirmed by the legislature of this country.

3986. You think it just that an European who has elected to live in India rather than under the law of England, should be subject to the law which was most consistent with the habits and prejudices of the great body of the people among whom he lived?—It will be optional with the European to reside in that country and carry his capital there, or not. If he chooses to reside there, I think he should be subject to the laws enacted for the benefit of the people at large.

3987. You conceive, then, that every adequate security which a native of England would require would be insured to him by by such laws being sanctioned by the British legislature?—By the governments of India in the first instance, and by the British legislature ultimately.*

3988. Were the other Europeans whom you knew resident in the interior persons who carried capital to India?—Two of them

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that I recollect were persons living in the kingdom of Travancore. One of them was a very industrious man, who gained his livelihood by building ships and boats; the other was a person of no capital, for he had failed in business at Bombay, and retired into Travancore, where he passed, I believe, the remainder of his days, carrying on the business of a merchant in a small way.

3989. As he had no capital, in what way was he enabled to carry on business in Travancore?—Merely his own industry, and probably by means of small advances acquired from his friends in Bombay. He was respectably connected in Bombay, and in all probability supported in business by them.

3990. You have spoken of the difficulties you found in administering justice, in consequence of the questions being put to the witnesses through the medium of an interpreter; were you acquainted with the language of those witnesses yourself? —I was not; and thence arose a great part of the difficulty. I could not in conscience pass sentence upon prisoners where I felt uncertainty as to the nature and the accuracy of the evidence which had been adduced on the trial.

3991. Would that difficulty in which you stood have been in any degree diminished if you had been sitting between two native Judges?—It would be very much diminished; more especially if those natives were acquainted with the English language as well as with the language and habits of the parties under examination and trial.

3992. Would it not be easier to find one Englishman acquainted with the language of the country, than two native Judges acquainted with the English language?—The English language is becoming so general among the natives of India, that I conceive there would be no difficulty in finding individuals perfectly well qualified from their knowledge of the language to sit as Judges. The languages of India are on the other hand so numerous, that though a European may be well acquainted with one or two of them, yet in a great extent of country over which his jurisdiction extends it will often happen that other languages or other dialects exist in which he is not conversant.

3993. Have you ever considered in what manner the judicial establishments of the British government in India might be improved, with relation to the qualifications of European Judges themselves, in the acquisition of languages, and in the knowledge of the law?—The European Judges in India are for the most part selected from amongst the ablest and most distinguished of the Company's servants. Their education is not that of an English lawyer in this country, but I believe they are for the most part well acquainted with the common principles of law, and with the most common language of India, videlicet, Hindostanee, and sometimes with the Persian; but the Persian

language is of little use in the administration of justice in our courts. If a code of laws such as I have recommended were compiled in India, the gentlemen who were appointed to the situation of Judges in the provincial courts could have no difficulty in making themselves masters of that code; and it might be made a *sine quâ non* of their appointment to office, to prove upon public examination that they were qualified to fill the situation.

3994. Have they at present any means of acquiring that knowledge of the law, or any time to devote themselves to to the acquisition of it, before they are placed in judicial situations?—In the way in which the courts are now constituted in India, and proceedings conducted, Judges, whether before or after their appointment to the higher situations, have generally no time upon their hands for study, and therefore cannot be expected to be possessed of any legal knowledge which had not been previously acquired. This I take to be one also of the great defects of our present system. I think it would be very desirable, and is one reason why I recommended the appointment of native Judges to our provincial courts, that it would shortly, if not immediately, prove the means of relieving European Judges and Registrars from a great deal of the detail business with which they are now overloaded. It might materially conduce to a faithful execution of official duty by the natives employed in their respective districts, if the Judges and Registers alternately had sufficient time or leisure upon their hands to make constant circuits through their respective districts, for the purpose of superintending and controuling the acts of the native officers in authority. If a Judge, for example, was relieved of the duties of detail in which he is now engaged, he might either himself, or by deputing the Register of his court, make frequent excursions to the districts or subdivisions in which native Judges preside; and by keeping a constant watch and vigilance over the conduct of those native Judges, as well as of the persons employed in the Revenue department, it is more than probable that it would operate as a very effectual check upon their conduct, by restraining the evil propensities of the bad, and encouraging the well-disposed to a faithful execution of their public duties.

3995. If the European Judge has no time to acquire a knowledge of law after his appointment into a judicial situation, is he not equally without time to acquire a knowledge of the law, and likewise without any inducement to acquire it, before his appointment to those situations, being fully occupied in whatever situation he has been originally placed in, and not knowing he ever shall be a Judge?—If it were made the condition of his appointment to a higher situation, he would of course devote himself to the acquirement of that necessary knowledge.

3996. Do you think it advisable that the two lines, the re-

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venue and judicial lines of service, should be kept distinct throughout?—I think decidedly so, on principle.

3997. Would you keep them distinct from the first, so that an individual who entered into one line should not afterwards pass into the other?—It has been the custom to promote gentlemen from the revenue to the judicial line, and I think some advantage results from following up that system, for it gives a gentleman who has been in the revenue line an opportunity of acquiring a great deal of knowledge with regard to cases which will certainly come before him in his judicial capacity. If thoroughly qualified on examination to fill a judicial office, I should think it of little consequence in which line he had previously served.

3998. Do you think it would be advisable, when a gentleman has once entered the judicial line of the service, that he should remain there?—I do not think it at all necessary for a young man appointed assistant to a Judge in one of the Zillah courts to be exclusively confined to that line in all time to come, nor do I see any reason why he should not be transferred to the revenue line, and so changed from one to the other; provided always he shall prove himself to be qualified for the offices he may be appointed to fill.

3999. Would not that interruption of his judicial practice and studies make him less fit to exercise the higher functions than he would if he devoted himself entirely to one line?—I doubt very much whether it would; much however in this respect would depend on the disposition and attainments of the party. If he knew that the higher judicial offices were open to him, he might, if relieved from the numerous details to which he is now exposed, equally qualify himself to fill them as if he had remained in the judicial line altogether.

4000. You have represented the mischief which had arisen out of the present system of land revenue in India; can you suggest to the Committee any improvement in that system?—There is one question, as regards the revenue system of India, which is certainly of paramount consideration, and that is the indispensable necessity of a certain quantum of revenue to pay the present heavy expences of the Company's governments. It would, therefore, be quite impossible to reduce the aggregate amount of land taxation in India abruptly. It must be done gradually, as other sources of supply present themselves; and I know no means by which that object is so likely to be accomplished as through the medium of the native Committee which I have recommended to be established at the different presidencies. Such a native Council or Committee, with efficient officers, European and native, in the provinces, might, I think, materially aid us in doing that which we have hitherto always failed to accomplish; and that is, equalizing the present revenue assessment of the country, thereby rendering it more tolerable to the

inhabitants. With the aid of such a Committee, and the employment of natives in the other ways and under the checks which I have recommended, we might be enabled to convince the inhabitants, of what I am sure they cannot be convinced now, that the assessment thus settled would never be increased, but on the contrary gradually diminished. Under the influence of such arrangements, and the confidence of the inhabitants well secured, it may not be too much to expect, as a natural consequence, that accumulations of capital and property will take place in various parts of the country; and in such case there can be no doubt that other sources of taxation would present themselves, so as to enable government gradually to reduce the rate and amount of the present land-tax, than which nothing, as it now stands, can more effectually bar the progress of improvement. In these respects, a native Committee may be of essential service; whilst the reform of the revenue systems of India is, as I think, a point of the greatest importance to be taken into immediate consideration.

4001. Does not this expectation of yours proceed on the supposition that, in the first instance, by assessing with greater equality the land revenue, the same amount of revenue might still be received?—It does; but the revenue as now collected is I believe very unequally assessed. I am confident that in many districts of India there are lands now altogether exempted from revenue, which would under a better system be liable to a regular assessment; on the other hand, there are many lands overtaxed, from which the revenue is oppressively levied, and some not taxed at all. If even a tolerable equalization of this land tax could be effected with the aid of native co-operation, it would be a blessing to the inhabitants, and relieve them from a load of oppression to which they are now subject.

4002. In what way would you proceed to make that equal assessment of revenue?—I think the means of proceeding should be left entirely to the native Committee and the local authorities. Unless they can suggest means by which this object can be accomplished, I should despair of success. I doubt whether it can ever be accomplished through European agency alone.

4003. Would you found this new assessment upon a survey?—I have before explained that I have not the smallest confidence in surveys.

4004. You have expressed an opinion that the surveys which have been hitherto made have failed, but you give your opinion of their failure on a comparison between the result of those surveys and the result of a survey made by your own agents: in what manner did they proceed to take your survey on which you did rely?—My assistants proceeded merely to inspect certain spots of a district pointed out to them; and they found,

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upon personal inspection of those spots, the inconsistencies which I have detailed in a former answer; but I believe it to be quite impossible for government surveyors to assess a large extent of country equably; and if the almost infinite varieties which arise from difference of seasons and of soil, as well from locality as fertility, together with the greater or less skill, industry, or capital employed in its cultivation, change of products from year to year, proximity or distance of markets, and other causes, are considered, the impossibility of attaining the desired object by means of government surveyors and assessors, that is, of ascertaining the gross produce of any country, with a view to equal taxation, must, I think, be obvious. It is on these grounds, therefore, that I am of opinion that surveys will never be of use to us.

4005. In what manner would you assess the revenue without the assistance of a survey?—We must necessarily proceed, for the present, on the systems which are in force in the different districts of India, subject to such modifications and amendments as may be afforded through the means I have before recommended.

4006. Are you aware that in many cases that which was called a survey proceeded upon principles different from those that would have regulated what is called a survey in this country; and that the survey was made on a comparison of the amount of tax actually paid by the country surveyed in the course of the last ten or twelve years?—The most laborious, and perhaps the most accurate survey, that has been accomplished in India, was effected under the superintendence and direction of the late Sir Thomas Munro, in the ceded districts, who was certainly one of the ablest and the most zealous of the Company's servants in India; but from his own reports it is manifest that the result of that survey was a complete failure. The assessment laid upon the lands in pursuance of that survey has, as far as the public records go, never been realized. It has been found, on the contrary, necessary in each succeeding year, or at certain periods, to reduce the amount of Sir Thomas Munro's assessment; so that the revenue realized from those districts is, I believe, considerably less than that which he reported to be the capability of the country, and that would in fact be realized from it in all times to come.

4007. You are aware that the assessment of Sir Thomas Munro fixed the largest amount of revenue which in his opinion it would, under any circumstances, be just to draw from the country; but that he himself recommended, in the first instance, a very large reduction, to the amount of twenty-five to thirty-three per cent., and that his suggestion to that effect was not adopted?—Sir Thomas Munro's proposition for a reduction of the assessment had reference only to the experiment of a permanent ryotwarry system. It was this permanent ryotwarry settlement which the Revenue Board rejected; consequently the former assessment, or that

of the ryotwarry survey, was continued. On his quitting the ceded districts, he reported to government that eighteen lacs of pagodas might be collected from that district in all time to come, without the aid of a single sepoy to enforce the collections. I believe, however, that eighteen lacs of pagodas never have been realized; and that the revenue now derivable from that district is very considerably below the estimate given in by Sir Thomas Munro.

4008. You are aware, however, that the assessment fixed in the first instance on the district surveyed by Sir Thomas Munro was much higher than he thought the government could in prudence or in justice exact?—After a laborious investigation for three or four years of the resources of the district, Sir Thomas Munro fixed the assessment, not on the grounds of the survey, but on an estimate of the resources of the country, after consulting with the principal native inhabitants, compared with the realizations of revenue from the district for a certain number of years previously. I should conclude, from the repeated perusal of Sir Thomas Munro's reports, that he must himself have placed but little reliance on the result of his own survey, since both he and his successors would seem to have proceeded on other grounds, as well in regard to the assessment of the country as to the collection of the amount.

4009. Supposing it were determined immediately to make a large reduction of the land revenue, can you suggest any mode of supplying the deficiency in the receipts which would be so created by the imposition of any other taxes?—Certainly not immediately; and therefore it is I say that it should be done with great caution, and gradually; neither would I think it safe or wise to attempt further modifications or ameliorations of the system, where so many able heads have already decidedly failed, until the best informed and most experienced of the natives of the country shall have been consulted upon the subject.

4010. You do not therefore suggest yourself any improvement of the present system, but you think that such suggestions might be obtained from a native council?—I really feel too diffident to offer any other suggestions as to improvement of the system than those which I have taken the liberty of submitting in the course of this examination. I think it is out of the power of Europeans to do it as it ought to be done; they have decidedly failed. The schemes and attempts of the ablest and most zealous of the public servants in India have been tried in vain; and it is upon this account that I so earnestly recommend the next attempt being made with the aid of native co-operation and experience.

4011. Had you any opportunity of observing the state of property in India under the controul of the proprietary Zemindars, and comparing it with those under the management of the Company?—In the province of Malabar we found a class of Hindoo

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landed proprietors that had been established in the country from time immemorial, the country never having been overrun by the Mussulman power until the invasion of Hyder Ally in 1763. We had here, therefore, a regular and even titled aristocracy of ancient descent; and though these proprietors had materially suffered, and were almost entirely driven out of the country, by the forcible introduction of the Mussulman system of finance, yet upon our acquiring the province great numbers of them returned to resume possession of their landed estates. These estates were generally let to farmers, and for the most part mortgaged to them. The latter having thus an interest in the lands, they were accordingly cultivated with great care, and the produce thereof proportionally abundant; but the proprietors themselves were generally poor, from having mortgaged their estates, in almost all instances to a considerable amount, and in many to nearly the full extent of the net rent. It often happened, indeed, that the farmers, being also mortgagees in possession, were better off than the actual proprietors; their condition, therefore, was greatly superior to that of the ryots or farmers of lands immediately under the management of the Company and their officers, who invariably exact from lands so circumstanced one-half of the gross produce of the soil, or endeavour to exact it, and the consequence to the inhabitant cultivators is, as before explained, universal and wretched poverty. The cultivators of estates in Malabar, being thus more comfortably off, were also much attached to their superior lord, who exercised great influence over them. It must, however, be remarked, that these proprietors were a different class of persons to the Zemindars in Bengal, who had been placed in possession of estates, with proprietary rights, under the system adopted by Lord Cornwallis. The connection between the Zemindar and ryot of Bengal was widely different from that of the proprietor and farmer of Malabar. The excessive amount of the public revenue only leaving to the Bengal Zemindar one-eleventh of the net rent of his estate, his necessities obliged him to trench on the equally insufficient portion of the ryots, and both were accordingly reduced to great misery.

4012. Upon the whole, you consider the farmers and cultivators of the independent estates to which you have alluded as liable to less oppression than those under the ryotwar and other settlements?—Far less; and this I think would be universally the case, if the land revenue would admit of adequate reduction.

The witness is directed to withdraw.

Ordered, That this Committee be adjourned to Tuesday next, one o'clock.

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Die Martis, 18° *Maii* 1830.

The Lord President in the Chair.

Dr. PATRICK KELLY is called in, and the correspondence and papers relating to samples of tea procured for the Foreign Office by His Majesty's Consuls are put into the hands of the witness, and he is directed to prepare a statement, showing the cost per pound of the samples of tea received by the Commissioners for the Affairs of India from His Majesty's Consuls, and the value affixed to the respective samples by the London tea brokers, converting foreign weights and monies into English weights and monies. 18 May 1830. *Dr. P. Kelly.*

The witness is directed to withdraw.

Colonel JOHN BRIGGS is called in, and examined as follows:

4013. In what situation have you been in India?—I have latterly held civil situations during the last nine or ten years. *Col. J. Briggs.*

4014. You were previously in the Company's army?—I was.

4015. You held for some time a situation in Candeish, did you not?—I did.

4016. What was the nature of the power confided in you?—The designation of the situation was that of Political Agent; I had the whole civil management of the country, as also the political controul.

4017. What may have been the population of the district under you?—I think it was about 460,000 persons.

4018. Was it in a very unsettled state when you went there?—It was in a very unsettled state, and had been so for the last thirty years previous to our taking possession of the country. It had been overrun by bands of freebooters; I believe there were at different times about eighty distinct bodies which had been in the habit of ravaging the country; this was the cause of its being very much depopulated. I think 1,100 out of, I believe, 2,700 villages, for I merely speak from recollection, were rendered desolate altogether; and those which remained were open to the pillages of a race of people denominated Bheels. These people are supposed by some to be the aborigines of the country; but they have been for a long period attached to villages as guardians or watchmen, with certain immunities in land and fees from the people themselves. The consequence of those ravages deprived the inhabitants of the means of supporting the Bheels, who went into the hills, and were in the

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habit of attacking the villages. In order to secure themselves from these assaults, the villagers procured the assistance of foreign soldiery, such as Arabs and Sindies, for their protection. Many villages, not able to do this, purchased the forbearance of the Bheels by the alienation of lands, or rather portions of the produce (a sort of black mail), which they gave to the Bheels to induce them to forbear their attacks. At the time we entered Candeish, the Arabs had gained very great influence and power in the villages, as well as the Bheels. The latter had inspired great terror by their proceedings, and it became necessary, of course, to restore order.

4019. In what manner did you proceed to tranquillize the country?—After having obtained partial possession of the country, we found several places in the occupation of the Arabs, who refused to give them up after the war had ceased, holding them on their own occount. Measures were first taken to reduce the power of the Arabs; any arrears of pay or sums of money due to them, and to which they appeared to have legitimate rights, were inquired into and paid; and they were eventually sent out of the country. The Bheel chiefs were then to be dealt with. Those persons who had raised themselves to be heads of gangs were invited down by me from the hills; an examination was gone into of the claims they had on the villages for black mail, or whatever immunities they might have established; and, according to the nature of each case, a pension was allotted to the chiefs, and engagements made to induce their followers to return to those villages to which they originally belonged.

4020. Were those measures effectual?—They had the effect of breaking up the union that formerly existed among them, and enabled me afterwards to reduce those who reverted to their ancient practices, which it would not have been so practicable to have done if we had done it in the first instance, before we obtained that information. Their numbers, when I came into the country, amounted in the estimate to about 5,000 of this description; the number was probably exaggerated, throughout the country, under forty or fifty chiefs. In the course of four years, which was the whole time I was in the country, military operations were occasionally had recourse to at the season of the year when we could approach the hills, for the country was extremely unhealthy at times. When we had recourse to these measures we contrived to surround the Bheels, to cut off their supplies, and to cause them to surrender without any bloodshed. There were not, I think, above fifteen or twenty persons killed or wounded during the whole military operations; and when I came away there was one gang only that I recollect, of forty Bheels, in one particular district, whose chief had just been killed in an affray which had taken

place with some inhabitants of the country passing through it, and this gang was still in the habit of pillaging the country. I do not recollect that there was any more united gangs than those forty persons. The rest of the Bheels returned to the villages, and became the village police.

4021. In what manner was justice administered, during this time, in the country?—Civil justice was administered by the people themselves, under the form of proceedings called punchayet. This is a sort of court of arbitration. When the parties themselves agreed to conform to this mode, the cause was decided by arbitration; but when the parties did not agree to adopt this plan, persons were appointed by the government to hold a court, the parties being previously required to abide by their decision before any proceedings were taken.

4022. Did they appear to be satisfied with that mode of administering justice?—It was the practice of former governments before us. I think they appeared very well satisfied.

4023. Was there any right of appeal to you?—Always. In all cases there was a right of appeal, not against the judgment of the court, but against corruption; for as the parties themselves agreed to abide by the decision, it was not thought right, in the absence of any expense attending it, to leave appeal too open.

4024. Were many appeals required in cases of corruption?—No; indeed, I do not recollect one case where a decree was reversed; nor can I, at this time, say that I recollect any case of investigation of the kind.

4025. It did not appear, therefore, that corruption had actually existed in the conduct of those civil causes?—Certainly not, from the nature of the conduct of the parties.

4026. In what manner was criminal justice administered?—When I first went into the country I misapprehended the instructions I had received, and fell into the practice of trying all criminal cases for upwards of two years by a jury. The system was subsequently altered by the Bombay government, when Candeish was placed under its authority. The jury was composed principally of landholders and influential men in the country, who had to decide upon the fact, while the native law officers, who sat on the bench, promulgated the law, and I then passed sentence according to my own judgment and in accordance to the nature of the sentence awarded by the native law officers. This was sometimes not consistent with our notions of the administration of justice, such as mutilation, or other modes of punishment, and it was not thought proper therefore to adopt it.

4027. In such cases you commuted the punishment?—Yes; entering at the same time on the proceedings what the native

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law officers had promulgated as law. Those proceedings were then sent up to government; and they were not carried into effect, in cases of life and death, until confirmed by the head of the government, for Candeish was then under the sole commission of Mr. Elphinstone.

4028. Who examined the witnesses in this court?—The witnesses were examined by the jury as well as by the Judge. The jury were competent to put any questions they chose, and I found them exceedingly useful in eliciting evidence that it would have been impossible for me, as an European, to understand the bearing of.

4029. How were the jury selected?—There were selected from the landholders and other persons of influence.

4030. By whom were they selected?—By myself; a great number of names were sent in, and I selected a number from them.

4031. Did you understand the language in which the proceedings were carried on?—I believe as perfectly as a European can be supposed to do.

4032. Did the jury appear to take a great interest in the investigation of the truth?—The jury took a great interest in the investigation of the truth, and it appeared to me an exceedingly proper mode of administering justice; its effect was very good indeed.

4033. Was it new to the country, and introduced by you?—The trial by jury was quite new, inasmuch as there had been a series of anarchy for thirty years before; I do not think the system is quite new among the natives of India, under good administration. Criminal justice by a sort of juries I think frequently prevails under the best native governments, and in fact it does so under the government of Sattarah. There are always three or four assessors on the bench, so that, though not a jury, there are always several voices in the administration of criminal justice.

4034. Did the people appear to be satisfied with that administration of justice?—I apprehend that they were quite satisfied.

4035. Was any change subsequently introduced into the mode of administering justice?—The system of jury was abolished, and the whole onus of the subsequent investigation lay upon me as the Judge of the court.

4036. Did the people appear to be equally well satisfied with that mode of administering justice?—They made no complaint of it.

4037. Were you yourself equally satisfied?—Certainly not.

4038. You felt that a very great responsibility was thrown

upon you?—Yes, I felt too heavy a responsibility; I can mention one particular case which will elucidate this subject. There was an instance in a remote part of the country, where a great land proprietor, and a man who had extensive influence and possessions, was said to have put his wife to death. The circumstance was reported to the chief native authority, who required him to appear before him, to account for his conduct. This was a proceeding to which men of his station had not been accustomed under their own government. He refused therefore to go; and on that evening, in a state of intoxication, he, together with his brother and several others, in passing through the town on horseback, attacked the individual who gave the information and killed him. The murderer then went off to the hills in the neighbourhood, and raised a party of followers, for his protection probably as much as any thing else, but it was supposed for the purpose of attacking the legitimate authorities. I immediately moved a body of troops against him; but perceiving, from the reports I had from the local officers, that he was not very popular, I thought it better, instead of carrying the measure so far as to go to war, to procure his seizure. I offered a reward, therefore, of one hundred or two hundred pounds for the seizure of the principal persons engaged in this insurrection. In the course of a fortnight, without any other military operations, the two brothers were brought in to the officer commanding the detachment. Depositions of the whole case were taken, and the parties were sent in to be tried on the spot. They were tried by jury. The jury discriminated between the guilt of the elder brother, who had actually committed the murder, and his younger brother, who was only present, but went off with him into the hills. They found the elder brother guilty of murder, and he was executed on the spot where the crime was committed. In respect to the younger brother, they acquitted him either of being accessary to the murder, of which there were no proofs that he had been a party, though he was present, but there was no proof of his being an accomplice, nor was any evidence adduced that he had been at the head of any particular party in attacking the government. It was only proved that he, with the rest of the family, had gone off with his brother. The jury declared, that, according to the practice of a native government, it was exceedingly likely that not only his brother, but the whole of the murderer's family, women and children, would have been seized had they not gone off together, and that the younger brother therefore was no more guilty than the other parties; that although he was an adherent, and might have been engaged in the insurrection, it did not appear that he had been guilty of any overt act, and, in consequence, they considered that, although his intentions might have been bad, there were no proofs of it; and they acquitted him accordingly, in spite of

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any thing I could say; for I considered that having gone off with his brother, and being known to be with the body engaged in insurrection, he was guilty as well as his brother, though in a less degree. The acquitted chief was afterwards reinstated in all the family estates, and continues, I believe, a good and respectable subject.

4039. Did the juries usually evince the same discrimination in the shade of guilt of the persons brought before them?—I think usually. The person just mentioned was a landholder of rank, as well as the persons who tried him; and he was one of their peers in every respect.

4040. What police force had you for the purpose of reducing the country to order?—We had a very large establishment called Sebundies, a sort of local militia; they could hardly be considered police. I consider the police of the country those that belong to villages; the local militia had little or no local information, and only went where they were sent by the civil authorities. I relied chiefly upon the village police for the preservation of the tranquillity of the country.

4041. Was the village police efficient?—The village police were very efficient, particularly when the Bheels came in.

4042. What number of sebundies had you?—I cannot answer that question; I think there were at first two or three thousand, and latterly only about eight hundred.

4043. What regular military force was there in the country?—The military force in the cantonments of Maligaum consisted of an European regiment, two battalions of native infantry, and some artillery.

4044. Was it necessary to employ a large portion of that force in reducing the Bheels, and bringing the country into a state of tranquillity?—The force was never employed in actual military operations, except in the reduction of the town of Amulneer, after the peace; but they were frequently employed in surrounding and embracing the haunts of the Bheels, in order to reduce them to subjection. On these occasions, the orders the officers received were not to fire upon them, if they could possibly take them. They were mostly armed with bows and arrows; they were found to be a very contemptible enemy; and, for the purpose of sparing bloodshed, they were not fired upon.

4045. In what manner was the revenue administration of the country carried on?—The principal sources of revenue, as your Lordships are aware, is from the land. A settlement was made with villages, in the first instance, and the villages afterwards distributed the assessment among the inhabitants.

4046. In what manner was the amount of revenue assessed in each village distributed, showing what each had to pay?—

An average was taken of the actual collections of ten years, which was supplied to fix the amount each village was calculated to yield. My instructions were to adopt the ryotwarry system, which had been adopted by Sir Thomas Munro in the Madras provinces; but there was a measure necessarily connected with the ryotwarry system which it was not possible for me to carry into effect. It was necessary, in the first instance, to ascertain by measurement the extent of the lands, and afterwards to assess each field. The cultivated land was, however, measured three successive years during the time I had charge of Candeish, and the assessments were made by the villagers themselves, the whole amount being fixed at the average of that which the lands had produced for ten years.

4047. In that settlement who negociated on the part of the village?—The legitimate heads of villages. They are in that part of the country denominated Potails. It was through them that the village carried on its communication. They are, in fact, the hereditary chiefs of the villages.

4048. Did not the principal people appear to submit quietly to whatever arrangement the Potails entered into for them?—Yes, they usually appeared satisfied with the arrangements before they were definitive.

4049. Did the Potails remonstrate against the settlement on the average of the ten years preceding?—Neither they nor the people remonstrated at first, for this settlement bore such a strong contrast to the manner in which they had been treated before, that they were exceedingly glad of any measure that had the appearance of justice and moderation. They subsequently complained very much of the average of ten years being taken, in consequence of the great difference which took place in three years in the rise and fall of produce. The assessment being made in money, it became heavy the moment the price of grain fell. When I went into the country, the common grain of the country sold at about four shillings a bushel; when I left the country in four years, such had been the increase of cultivation and the little demand, probably from the absence of cavalry and other circumstances, that the same grain had fallen off to sixteen pence a bushel; it was quite impossible, therefore, that the villages could pay the same amount in money the fourth year as they had done in the first year. The revenues of Candeish consequently fell off very much, though the cultivation did not; and I have reason to believe that they have fallen off much more since, and have never recovered.

4050. When the Potails had agreed with the government what the village was to pay, in what manner did they assess the individual payers?—They assessed them according to the quantity of land each individual cultivated, and according to the

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4051. Did that assessment of the individual payers vary from year to year?—It did vary from year to year. I endeavoured to fix it, but it was changed annually in every village by the people themselves; and I found it impossible to carry into effect any permanent money assessment of the land; and I believe it is impossible to render it so where the assessment forms so very large a proportion of the produce as our assessment does.

4052. If any individual payer felt aggrieved, had he any power of appealing against the Potail's decision?—Yes. Eight or ten villages were under charge of a junior civil officer; he might appeal to him, and from him he might appeal to the head of the district, and from the head of the district to me.

4053. How many assistants had you when you were first sent to that country?—I had only one assistant at first. I had subsequently a second assistant sent up, for the purpose of examining the rights of certain individuals to exemption from payment of the land-tax. The orders of government required me to do it, and I thought it ought to be investigated, but stated my inability to go into a matter of so important a nature. I thought it necessary, therefore, to have an additional assistant. That gentleman joined me, and after being six or seven months in the country he died. I had subsequently two more assistants sent up, and after that some more were sent up.

4054. Did you find you went on as well with one as with three or four more?—Yes. For the young men who joined me were not of much use; they were rather sent up to learn than to perform any important duties

4055. Have you any means of calculating the general expence of the government of that district?—I think it is on record the proportion that the civil and judicial expences bear to the whole amount of the revenue, but I do not recollect the amount.

4056. What was the receipt of the revenue from the district?—It produced between seventeen and eighteen lacs of land revenue the first year; and in the fourth year, when I went away, I made the settlement eleven lacs only, in consequence of the variation in the price of grain. I understood it fell off subsequently to as low as six lacs.

4057. If, therefore, in that country, or in others similarly situated, there appears to be a falling-off in the revenue, the Committee are not from that circumstance to imagine that the country is deteriorated in cultivation, or that the people are in a worse state than when they paid more?—We are always desirous of keeping up the revenue as much as possible; therefore I think that, though not able to realize the whole amount, we

press so much upon the inhabitants it must lead eventually to the falling off of cultivation. 18 May 1830.

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4058. In this case, if the revenue had been paid in kind in the last of those four years, the receipt in kind would have been greater than in the first year, when the amount in money was higher?—Certainly, there would have been much more grain yielded to government than in the first year.

4059. And the country appeared to improve in prosperity, notwithstanding the falling-off in the revenue?—I think very much, for a vast number of villages, which had been deserted before, were repopulated.

4060. That prosperity would only be checked by attempting to obtain the same revenue in money from the country in which the price of grain had fallen so much since the revenue was first assessed?—Just so.

4061. What was the proportion of the produce required to be paid to the government at the two periods you have spoken of?—Really I cannot state what was the exact proportion; my instructions were to realize a certain sum of money equivalent to the average of ten years' former collections. I believe that latterly the assessment must have taken at least one-third, probably more; it is assumed that under the native government they are in the habit of taking a half.

4062. Do you mean one-third of the gross produce?—Yes; here is a document which I beg leave to read. It is "An Account of actual collections under the Nabob of Arcot's government, realized from the village of Utramalur, in the Province of Arçot, in the year 1742, derived from the Village Books." This was published in the Asiatic Journal; there is not the least doubt, I believe, of its correctness. The produce of this township being rice, chiefly raised by irrigation from a tank built and repaired at the government expence, it claimed to share half of the crop with the cultivators.

		pagoda
Total produce 71,914 cullums of 4½ bushels, at one pagoda per cullum, is, say		71,914
Alienated in tythes, payments made to village and district officers, and for sundry village expences	13,760	
Alienated to strangers by government	4,368	
Payable in fees to village officers	3,071	
		21,199
Balance to be divided		50,715
Paid to Government, A.D. 1742		25,141
Remainder to cultivators	25,141	
Surplus balance to village	433	
		25,574
		50,715

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One-third of the produce is first cut off from the gross produce, leaving two-thirds to be divided. Actually paid to government 25,141 pagodas, leaving a balance of 433 pagodas in favour of the village, more than half. The land being cultivated by irrigation from the tank, which was kept up at the expence of government, and a certain portion of capital being thus vested by government in the cultivation, the government has in consequence a right to derive some advantage directly from that vesting of capital. The practice, however, was only to take one-sixth of the produce of land not cultivated by irrigation. Had the village of Utramalur been cultivated without the artificial aid of water, and the government only have claimed one-sixth, the following would have been the relative proportions:—

Total produce as above		71,914
Alienations to village and district officers	13,760	
To strangers	4,368	
Fees to village officers	3,071	
		21,199
Balance		50,719
Government tax, being one-sixth		8,453$\frac{2}{3}$
Balance to village		42,285$\frac{1}{3}$
Total		50,719

A village under the British government, in the latter case, would be assessed, according to the most moderate ryotwar system, in money, at thirty or forty per cent. of the produce of each separate field; and such an assessment is, I believe, actually in progress now in the Deccan.

4063. That is a greater proportion?—Certainly; by the difference between one-sixth and thirty or forty per cent.

4064. Was the proportion of rent which you, under the direction of government, obtained in Candeish, the same as had been previously obtained by the native government?—During the last thirty years there has been no rule. The districts were put up for contract, as tolls are in this country, by the native government; the person who bade highest had the district made over to him; the person who got charge of the district was to get the revenue in the best way he could. It frequently happened, before the year was up, the same district was put up and sold to another person; and there was a contest between the two contractors which should realize the money.

4065. That system was an innovation?—Certainly.

4066. What was the proportion on the more ancient system?—In that part of India the system of taking any proportion of the produce has long been abandoned; but the principle on

which the ancient native government always administered the country, and realized the revenue, was by taking a certain portion of the produce, and then converting that produce into money, which varied every year. We seem to have overlooked this principle, and to have fixed the revenue in money, which in fact is the most variable impost which can be put on the land, when it comes to be so onerous as to embrace the whole rent. Rent of land must vary according to circumstances.

4067. Does our system, as now administered, leave less to the cultivator than the ancient system of the native government?—Certainly.

4068. Is not that the case in some years and not in others, according as the price varies?—It may be so, certainly.

4069. If the price should rise, more would be left to the cultivator than under the former system?—Yes; if it were an assessment in rent, it would be possible to realize it, but an assessment on the whole produce must necessarily be fluctuating.

4070. Do you consider the assessment as now regulated too high, or moderate?—I consider the assessment, as now regulated, a great deal too high; and I consider that the principle of the assessment has been entirely abandoned.

4071. So high as to impede the progressive prosperity of the country?—So high as to prevent the existence of landed property in most cases.

4072. Had you any opportunity of seeing the effect of the ryotwarry system?—I was instructed to carry into effect the ryotwarry system, but I found I could not do it.

4073. Is it your opinion that it would be impossible to apply, in India, any one system of collecting land revenue universally?—Yes, I think it would be quite possible, and quite practicable, to introduce a system of assessing whole villages, and allowing whole villages and communities to assess themselves; and I think it is likely such an assessment would be permanent, if we gave up to the inhabitants of the country the waste land, which the government now claim, I think unjustly, to themselves.

4074. Do you mean, in this answer, an assessment in money or an assessment in produce?—An assessment in money.

4075. Could you effect any such settlement where the village constitution had been entirely destroyed?—I think there are in every village in India the ingredients for such a settlement among the people themselves. I think the village communities and the corporations still exist. In the work I have written on the subject, I have asserted nothing from my own experience, but have quoted from others who have written on the subject; and it appears to me that those village corporations and communities do exist in every part.

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4076. Do they exist in Bengal?—Yes; it is stated by Sir Edward Colebrook, Mr. Fortescue, and others.

4077. Have they not been destroyed by the zemindarry settlement?—Yes; I ought to have excepted that. I understand that the zemindarry settlement Lord Cornwallis introduced in 1793 has had the effect very much of breaking up village communities, though not altogether of destroying their internal constitution.

4078. Would not a ryotwarry settlement in a short time equally destroy the village communities?—I think it would. I find in all villages three classes of cultivators: one cultivator, who has a right of selling his land and of paying a certain fixed sum to government; another cultivator, who has not a right of selling his land, but a right of occupancy *ad infinitum*, so long as he pays a certain sum to government, and a certain portion also in fees to the first description of cultivators; there is also a third cultivator, who comes from other villages, and cultivates, by agreement, from year to year. Those persons have quite distinct rights; and I think any ryotwarry settlement which gave to all classes the same rights would be doing injustice to other parties.

4079. Where such a variety of rights exist in the village, would it not be very inconvenient for an European to obtain a lease of any large portion of land thus circumstanced?—I do not know how any Europeans could occupy lands in India, unless the government were to give up the waste lands, which they now claim under the zemindarry settlement, or in places where zemindarry settlements have been made, and the whole of the land has been made over to the Zemindars as proprietors, in the permanent settlement of Bengal.

4080. Do you conceive it would be possible for either of the classes of cultivators you have alluded to to lease to any others?—No. I think lands might be leased to Europeans or any other persons, provided they took them piecemeal; but the assessment is now so onerous, it leaves no landlord's rent.

4081. The land is now almost infinitely subdivided among those small proprietors?—Yes; but as the whole land belongs to the village community, the hereditary rights of individuals continue, I think, for a longer period than entails in England.

4082. But the same right that any proprietor would have, as you describe, to sell his property to another, would enable him to let that property?—Certainly, if the assessment were low enough.

4083. There would be no difficulty arising from the different nature of the cultivation?—None whatever; the only difficulty is that we require to make the assessment lighter, to leave a surplus as a landlord's rent.

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4084. In most parts of India, if a man were desirous of obtaining on a lease 500 acres, must he not have leases from two or three hundred proprietors, all possessing different rights?—In many parts of India I think he would be able to obtain it from the village as a corporation altogether, as a community; certainly it would be necessary for the whole of those persons to agree to give up their rights in the particular portions of land belonging to them, but the agreement would be made essentially by the whole village.

4085. The villagers would stand in the degree of landlords, and at the same time of labourers to their own tenant?—If the person who occupied the land were to employ them as the cultivators, certainly.

4086. If he did not, what would become of them?—They could not part with the land to another, if they were not able to derive any advantage from it themselves.

4087. If they did not remain on the land, how could they obtain the rent from the person to whom they let it, or how could they exist, having no other subsistence than the rent they received?—If the land was rented of them they would receive the rent, and that would be the means of their subsistence; it would not be a necessary consequence that they should continue to be cultivators, if they had a surplus rent.

4088. You state that there is no surplus rent?—At present, where there is no surplus rent, such a state of things cannot exist.

4089. Are there any individuals who possess in their own right any considerable portion of land?—Certainly; a great number of individuals possess lands in Candeish, where the rights of the ancient freeholders have been usurped; some possess lands which they hold exempt from payment to the government; those lands they let to other persons. I myself, by way of experiment, occupied fifty or sixty acres of land, and paid a rent for it, and kept the accounts.

4090. Did you hold that from one individual?—Yes.

4091. Had he more land of the same kind that he could have let?—I believe that I rented the whole of his hereditary estate.

4092. How did you cultivate it?—Through the agency of the natives; I had a native bailiff under me, who managed the concern.

4093. Just as you would have managed sixty acres in England?—Yes.

4094. Paying the labourers weekly wages?—Paying the labourers monthly wages.

4095. Did you find any disinclination on their part to be so employed?—None whatever.

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4096. Is it not a common occurrence for various individuals to have different rights upon the same piece of land?—Yes; a person who is a proprietor in some parts of the country sometimes sublets his land. In the provinces of Madras it is very common, where the rents are not very onerous. There he sublets to another person, who pays him a very small fee, as a sort of landlord's rent, and pays the assessment of the government; therefore in those two cultivators there is an essential difference, one is the proprietor and the other a copyhold tenant.

4097. Where was it you occupied this land?—I had sixty acres in the vicinity of Sattarah.

4098. Supposing that you had wished to occupy a larger extent of land, could you have obtained it there?—Yes, certainly.

4099. There were individuals who held land in such a way as to be able to let it to you?—Yes; my landlord was a person of family which had been reduced. The land had lain fallow for a long time, and he was in the habit of letting it to the Potail of his village, who gave him little or nothing for it. I was anxious to get some land of this particular tenure, that I might ascertain the portion of produce I could have afforded to pay to government as a cultivator.

4100. How much could you have afforded to pay?—I think the surplus average profit of three years was about twenty-five per cent., which was all. I had to pay to the landlord his rent, and what I should have had to pay to the government, but the government would have taken a much larger sum than I paid to him.

4101. What was the government demand upon that land?—The government demand upon that land, I think, would have been about three or four rupees a bega.

4102. What proportion of the gross produce?—It would have been nearly half the gross produce.

4103. You paid twenty-five per cent. of the gross produce to the landlord?—That was all the surplus I had to enable me to pay the landlord.

4104. That twenty-five per cent. pays for the expences of cultivation?—No; I did not pay so much as twenty-five per cent. to the landlord; I think, not above twenty per cent. About twenty-five per cent. was the profit, after deducting the expence of cultivation. If I had had to pay the tithes and taxes, village expences, and so on, I should have been ruined; I should not have been able to pay the landlord what I did. But I had but little time to attend to it, and I did not understand the nature of agriculture much. To have continued it, I suppose, would have been a very losing concern.

4105. Was your profit only the difference between the twenty-five per cent. and what you paid to the landlord?—Yes; twenty-five per cent. included what I paid to the landlord; it was what remained after paying the expences of cultivation.

4106. Did you pay any thing to government?—No.

4107. You paid no village dues?—No.

4108. Therefore the result of your experience was, that being relieved from government and village taxes you had but twenty-five per cent. left to pay rent?—Yes; just so.

4109. What would have been your loss upon the speculation, if you had paid the government tax and the village dues?—I could not have paid the landlord any rent if I had had to pay the government tax and village dues.

4110. What would have been the loss if you had been called upon to do so?—Possibly ten or twelve per cent., or probably more. If the government had taken one-half, the loss would have been very considerable. I must have abandoned the experiment altogether.

4111. Have you observed any marked preference in the native cultivator for one mode or principle of assessment rather than another?—I think they prefer the assessment I made in Candeish; the assessment of the village, and allowing the people to manage their own concerns.

4112. Who paid the revenue to the government when a village was assessed?—It was paid through the agency of the potail, who collected, and sent it by one of the village servants to the head man of some greater division of eight or ten villages, and he sent it to the head of the district. It was collected monthly, and sent to my treasury.

4113. Was there any considerable expence of collection?—There was no considerable expence in the collection of the revenue, nor any permanent servant sent round to individuals for the money. The revenue was collected by the potail, through the agency of village servants.

4114. In default of payment by the potail, how could you obtain the revenue?—I must have ascertained what particular individuals had failed in making their payment, and must have distrained their property.

4115. Did it happen that you were called upon to do so on any particular occasion?—On some occasions, I was obliged to do so, but not on many. The principle of the administration was to be very lenient; and whenever I recommended that remissions should be made, and stated it to be impossible that the people could pay, the remissions were given.

4116. Had you any opportunity of learning the mode of administering the government under a native prince?—I have re-

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sided, during the greater part of the time I was in India, in the territories of several native princes, and have had opportunities of conversing with the people. After the battle of Mehidpoor I was for a short time in charge of the conquered districts of Holkar in Malwa, and I was for four years at Sattarah.

4117. Was the district of Sattarah conducted entirely in the native mode?—Certain regulations had been introduced under the orders of Mr. Elphinstone, by my predecessor, Mr. Grant Duff. Those regulations were framed on the native system, with very little alteration on our part; and I think, therefore, I may say, that the administration of the government of Sattarah, as it now exists, may be deemed a good specimen of the management of a native government.

4118. Have the goodness to describe that mode of management, distinguishing the judicial from the revenue administration?—The country is divided into districts, each yielding from a lac to 1,50,000 rupees, containing from one hundred and fifty to two and even three hundred villages. Over this district is an officer, called a Subahdar. That district is then subdivided amongst a great number of other junior officers, each having from six or eight to twenty villages under his charge. The whole civil and judicial business is conducted through those officers, each village having its own native institutions prescribed to them. The village institutions are so well known, as stated both in the Fifth Report and in my work, that it is perhaps unnecessary to go into a detail of them.

4119. Then the same officers possess revenue and judicial power?—Yes. In the collection of revenue the settlement is made with villages by the subahdar and the junior district officers together, usually under the superintendence of the Rajah himself, who makes a tour every year for that purpose.

4120. In what manner is the annual assessment fixed?—It is fixed with reference to the sum yielded in former years. In that part of the country (Sattarah) there has been an ancient permanent assessment of lands, which is recognized; the lands which are cultivated every year are assessed in that sum; each particular bit of land is assessed according to the rates of different villages. Lands which lie waste are excluded from the amount of annual settlement. Lands which are only lately brought into cultivation, or brought into cultivation according to a certain agreement, in an increased ratio, until they have been cultivated for seven years, pay accordingly; when at the end of the term, they pay the whole amount of that which is considered the full assessment.

4121. The assessment varies every year?—Yes, the assessment varies every year.

4122. Did it appear to you that injustice was practised by

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those native officers in the assessment of the revenue on the villages?—No, I think not. I think that the villagers themselves, where the assessment was left entirely to them, managed to satisfy each other. No doubt there were partialities to certain individuals, but I think that in this respect we are very apt, in going into those investigations, to confound the rights I have so often alluded to, of the different descriptions of cultivators. In Sattarah the people appeared to be satisfied with the arrangements, when the distribution of the assessment was made amongst themselves.

4123. Was the revenue paid in kind or in money?—Always in money.

4124. Was it lower generally than the assessment in our provinces?—I think not; I think much the same; but the country was falling off; and one year particularly, when there was a great drought, and there ought to have been a very large remission, I was unable to induce the Rajah to consent to that remission. The consequence was, the occupants left the country, and did not return for two years; whereas, under the government of the Putwurdhun chiefs they relinquished the land tax almost entirely in that year; and in the next year the cultivators were all present, and paid very largely, while in the subsequent year the Rajah hardly got any revenues.

4125. Did the Putwurdhuns exact the arrears of the former year?—No, I think not.

4126. Was the punchayet used in the district of Sattarah?—The punchayet was the only mode of administering justice.

4127. Were you ever in the territories of Khota or Bhopaul?—No, I was not. On the subject of the administration of the punchayet under the native government, I shall be able, perhaps, better to explain the native system if I read some notes I have made upon that subject. It appears to me, from all my inquiries, that there were several courts: first, the village court, in which the potail and the inhabitants of the village decided all cases by arbitration; all cases that had reference to the inhabitants of the same village. From this court an appeal lay to a certain district officer, which in the Mahratta country is called Desmook, recognized in all parts of the country as the district officer. From the Desmook appeals lay to the Subahdar, and eventually to the sovereign.

4128. In each case was there the use of the punchayet?—Not in appeal cases. The following is the mode of proceeding in these courts. Before a plaintiff can have his cause inquired into, he is obliged to give security to prosecute and to make out his case, on pain of fine or fee. The defendant is then obliged either to satisfy the plaintiff, or to give security for the amount sued for. If the cause is to be litigated, the plaintiff and defendant are bound over to appear on a certain day, in

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failure of which judgment should go by default. It frequently occurs that the parties join issue on a particular point, on which the cause rests, and is decided. The award being given, both parties are required to give security for fulfilment before the proceedings are closed; and if the defendant be required to pay a certain sum of money, it was necessary for him to give security for it. In these proceedings all witnesses are examined *vivâ voce*, and all testimony is taken down in writing, for the facility of appeals.

4129. Are there persons in the inferior courts generally capable of taking the evidence in writing?—Yes, always. It usually happens that most of the members can write. The proceedings are all taken down in writing; not only the person signs his name as the person who has written out the proceedings, but two witnesses are also necessary. In conclusion, all the members of the punchayet are required to write that they have come to this decision.

4130. To what extent is the knowledge of reading and writing carried among the natives of India?—It extends universally among the Brahmins, shopkeepers, and merchants; not very generally, I think, among the other classes; but there is no instance of a Brahmin or shopkeeper who cannot read and write.

4131. Are there schools maintained by themselves in almost every village?—Yes; some schoolmasters were sent up from the college of Bombay to the Rajah of Sattarah. They had been educated in certain elementary schools at Bombay. The Rajah would not receive them; he said they were not persons that would answer his purpose at all; he said he had plenty of schools: and in the small town of Sattarah, where the population did not exceed 10,000 persons, I was surprised to find that there were forty schools; in Candeish and in the Deccan generally, schools are common; and all Brahmins, the sons of bankers and the sons of all shopkeepers, or any persons who have any thing to do with business, are taught reading, writing, and accounts.

4132. Were all the persons returned to you to serve on juries persons capable of reading?—I admitted only those capable of reading and writing to serve on juries.

4133. What sort of proportion of the persons returned to you did you find capable of reading and writing?—All those that were returned to me were capable; I required them all to be persons of that description.

4134. Have you any doubt of a perfectly adequate supply of persons of that description being found?—No, I think not; if it be desirable to adopt the system of juries in India, there are certain classes of people who, I think, should be bound to serve,

such as persons who have immunities in lands and other special privileges, which they receive from our government, for doing in fact nothing, though they had claims on their services under the native governments. Such persons, I conceive, should be compelled to serve on juries. 18 May 1830. — Col. J. Briggs.

4135. What is the origin of those immunities?—They have been granted by former governments for services performed or to be performed, and for the support of temples and buildings which have fallen into ruins, or for the support of offices which have not been kept up.

4136. You said you appointed the jurors out of the number of persons returned to you; do you think that mode is as satisfactory to the people as if the jurors were selected by lot?—I think it would not be so satisfactory as a system.

4137. Is waste land of the different villages considered under the native government as belonging to the community of the village, or to the government?—In the Mahratta country, under the Peishwa, it was commonly considered as belonging to the government. In some parts of the Peninsula, it is believed to belong to the village communities. I think in the Carnatic it has been shown, by the Minutes of the Madras Board of Revenue, that the waste lands belong to the village communities; and I have no doubt, under the ancient Hindoo government, that was the case; but in a country that has been for the most part conquered for 600 years by the Mohamedans, very few of such privileges have been allowed to remain. The further we go south, where the Mohamedans did not conquer, we find the Hindoo institutions and the rights of landed property more perfect.

4138. Are the cultivators of the village bound down by any particular mode of cultivating the lands in that particular village, or does each cultivate as he chooses?—It depends upon the nature of the land. Where the lands are cultivated by irrigation, the whole land is considered as belonging to the community; and they draw lots for certain portions, part of which each cultivates.

4139. Each individual does not cultivate the same land in each particular year?—No, not in those villages where the whole is distributed annually. I find this prevails in Italy, and also in Egypt, where the practice of irrigation extends very generally; for it is impossible to say how much water can be afforded to each field. It therefore becomes necessary to allot fields to individuals according to the proportion of water which can be allotted to them. This seems to be the cause of the distribution of lands annually to individuals. This practice, I believe, does not prevail in dry lands, where the same cause does not exist. There they cultivate the same lands annually.

4140. Are there any rights similar to those existing on our

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4141. Are the waste lands included in the village valuation, or is there an extra valuation?—They are included in the valuation.

4142. In the territory of Sattarah, does the government claim the waste lands or not?—The government, I believe, claims the waste lands in all those countries which have been subdued by the Mohamedans, who claimed them as lands they were at liberty to give for the support of temples, and for the support of other institutions, such as colleges and schools; and those rights which the Mohamedans assumed reverted to the Hindoo government, when the Hindoos recovered those countries. But under the Hindoo governments in the South of India, not conquered by the Mohamedans, particularly in Malabar, Canara, Travancore, and the Southern Carnatic, I conceive there that those waste lands belong to the village communities, and that this right is fully recognized in those countries.

4143. If therefore we claim as government a right to the waste lands, we claim that which has been exercised by our predecessors the Mohamedans?—Yes.

4144. What means of education have the native gentlemen, persons of a higher description, in the part of the country you are acquainted with?—The native gentlemen, the Mahrattas particularly, neglect their education very much; they are a good deal like the ancient barons here, who thought more of war, and the sword, and field sports, than of education. When the Brahmins succeed to territorial property, they are educated as Brahmins in general are; but the Rajah of Sattarah always complained to me that he could get none of his chiefs to allow their sons to be educated; he found he had a great difficulty in getting the young nobles or gentlemen of family to learn any thing.

4145. Are the Putwurdhuns educated?—Yes, all of them; they are Brahmins.

4146. To what extent has their education been carried?—The facility of reading and writing in the books brought before them. They have their ancient mythologies, and some few histories of

the Mahratta government, which they are fond of reading or of hearing; but there is very little encouragement to literature among them. I think that the natives generally, however, are desirous of receiving information. On more than one occasion I have found them so. I met two Brahmins one day sitting on their horses reading, on their journey, books which had been printed in the College at Bombay. I asked them where they had got them, and if they bought them very cheap; they said they bought them very cheap at Poona. They were some of their own stories.

4147. Have you observed among the gentlemen of higher classes a disposition to become acquainted with the English language or English literature?—No.

4148. Has the Rajah of Sattarah any knowledge of English? —He has no knowledge of English, and I think he would have a great repugnance that any of his family should learn it; that arises from a jealousy of our power, and the fear of their assimilating too much to ourselves; he is exceedingly jealous of such an assimilation and of our rule, though he owes every thing to it; but the feeling is natural.

4149. What language does he understand?—He speaks the Mahratta, which is his native language, and the Hindostanee; he has studied a little Sanscrit; he is a very intelligent clever man.

4150. Is mutilation of limb part of the Hindoo law as well as the Mohamedan?—It is.

4151. Is the authority of the Potail over the village recognized by the Hindoo law?—Yes, certainly, I believe, in all law books. In the 8th chapter of Menu it is said, in verse 14, "He (the king) shall appoint a lord of one town, a lord of ten towns, and a lord of a thousand," and so on. This I conceive to allude to a Potail.

4152. Is the Potail appointed by the sovereign or by the villagers?—The Potail is originally, I believe, an elective magistrate; but in the course of time he, in some places, succeeded from generation to generation, instead of being elected by the people. The office should be confirmed by the king. He is employed by the village as the representative of the people, and by the king as the magistrate of the village. When I was in Candeish I frequently removed officiating Potails from office on complaint of the people, and allowed them to elect another, whom I confirmed.

4153. Does the same jealousy as you have described in the Rajah, with respect to the acquaintance with English literature or English habits, extend to other chiefs and persons of an inferior description?—I think, generally, to the upper class.

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4154. Not to the lower?—Perhaps not to the lower; they do not much think of it.

4155. Does the Potail appoint the inferior officers, or are they elected by the natives?—I had not an opportunity of knowing that, from seeing any village newly created, but the impression on my mind is that they were. In most parts villages appear to be divided into six, eight, ten, or twenty original shares; those were probably the original proprietors of the whole land; these divisions have become minutely subdivided, the entire shares being still recognized, and are called after the names of the original proprietors. Those proprietors probably appointed the village officers, such as the carpenter and blacksmith, and other village officers known to exist in every village. In India they have a curious mode of retaining the knowledge of the limits of villages, by apportioning lands for domestic officers on the borders of the village, beyond the ordinary course of cultivation. This being the case in all villages, it is very easy to recognize them, for each man knows which is his particular field.

4156. Those officers are all hereditary now?—They are.

4157. Who supplies the place of those village officers in the Bengal territory where the zemindarry settlement is established?—I do not know; but I believe those village officers still exist, except perhaps the police. By the Regulations of the zemindarry settlement, the Zemindars were exempt from the maintenance of the police, which gave to them a plea for seizing on the lands appropriated to that purpose. I conceive that much of the decoity we hear of owed its origin to the dispossession of the proprietors of their lands. Thus dispossessed, they collected in bands, and made war on the villages wherein their rights were taken away. I draw this conclusion from what I have read, and from the conversations I have had with persons from Bengal, such as Mr. Fortescue and others. Such appears to me to have been the origin of that peculiar system of gang-robbery, and that much of it arose out of the zemindarry settlements.

4158. Do you think that the system of decoity did not exist before the establishment of Zemindars?—I have no doubt that gang-robbery existed in all parts of India, but not that particular description of gang-robbery; nor was it ever carried to the extent it has been in Bengal. I state this as a mere matter of opinion, but I know that similar attacks on villages are made in all parts of India whenever landholders have been deprived of their rights.

The witness is directed to withdraw.

Ordered, That this Committee be adjourned to Friday next, one o'clock.

Die Veneris, 21° Maii, 1830.

The LORD PRESIDENT in the Chair.

GEORGE HARRIS, Esq. is called in, and examined as follows:

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4159. WHAT situation did you fill in India?—I was a free merchant in India.

4160. Were you under licence from the Company?—Yes.

4161. At what time did you first go to India?—I went to India in 1793.

4162. In what capacity did you first act in India after you first went out there?—I was Assistant to the Salt Agent at Bullooah, though out of the service.

4163. How many years did you continue to act in that capacity?—From the year 1794 to 1801. I think I came over to England in 1801; and whilst I was in England, a Company's servant was appointed to the situation, and I was displaced.

4164. You not having been a Company's servant?—No; the Assistants to the salt agencies throughout the country at that time were out of the service.

4165. In what capacity did you go out the second time?—Under the same licence. I had it renewed at the East-India House.

4166. What occupation did you undertake in India upon that duty of Salt Assistant ceasing?—When I went out the second time, I first went into the trade at Luckipore, in calicoes, and which, in about two or three years afterwards, was quite knocked up by the manufactures of Manchester. I then went into the indigo manufacture, in January 1808.

4167. Where did you establish that manufactory?—In the district of Kisnagur.

4168. You continued in that occupation during the rest of the time of your residence in India?—I did.

4169. What was the extent of land which you brought under indigo cultivation during that period?—I had generally about 36,000 begas in cultivation; from 30 to 36,000. Three begas in the district of Kisnagur go to the acre.

4170. Did you find that an advantageous employment of capital and of land during that period?—Yes, certainly I did.

4171. In what manner did you possess yourself of the land you required for that purpose; and what was the nature of the interest you had in it?—By advances to the ryots, the tenants of the land, I got the land cultivated, having no interest myself;

21 May 1830. not being able to have an interest myself in the land, under the Regulations of the Company.

G. Harris, Esq. 4172. Do you think the indirect interest you were thus enabled to acquire sufficient to give encouragement to the employment of European capital and industry in that species of cultivation?—We often found that we wanted greater interest, and frequently took large farms, though in the names of servants, to the great danger of loss at times, putting ourselves so much into the hands of our servants.

4173. You conceive, then, that were the power of holding land granted to Europeans, greater encouragement and security would be afforded to persons disposed to embark their capital?—Most undoubtedly; judging only from the manner in which the lands improved while they were in our hands, or holding them myself as farms, that the improvement was always extremely great; the villages I had in hand increased in value from two-thirds to three-fourths. I could give an instance of having paid rents for a single village, three or four hundred rupees when first I went into the indigo cultivation, and when I left it having paid 1,300 for the same village, and collected the 1,300 with ease, when at first I lost money by the three or four hundred, merely by the encouragement given by us to the ryots; that it is our interest to keep them in good humour, and to be easy with them in all circumstances when they have to pay their rents, and to furnish them with money when they wanted it.

4174. You conceive the ryots thus circumstanced were more favourably off than they would have been under any other system of cultivation now prevalent in India?—Undoubtedly; and even better off than under the Talookdar. The Talookdars were very ready to let Europeans rent villages, for when they came back into their hands after three or four years, they found them generally better cultivated, and more inhabitants in them.

4175. You found rather a competition as to land offered to you for cultivation?—Yes, in some cases. I was not much encroached upon myself; but sometimes, for fear of encroachers coming within the district I had in cultivation, I used to take those villages, in order to secure myself.

4176. Did you experience any difficulty from disagreement with the ryots or possessors of the land as to the terms upon which you held them?—Very few indeed; in general they acted as conscientiously as most people in their situation would do; no more than is to be met with even from farmers in this country.

4177. Were there any instances in which they let the same land to more than one person?—There have been instances of that, certainly.

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4178. But not to such a degree as to present any material obstacle to the undertaking?—Certainly not.

4179. Can you state nearly the number of the ryots that were employed upon your farms?—Not very accurately; the advances to them beginning perhaps from one bega up to forty, so that I could not state, within any compass hardly, the number that might be on the books of all the factories; having eighteen different factories at that time, not of the same size, all of them, but varying (in what we call the vats) from twelve to two, the extent of cultivation at the same time varying likewise.

4180. Did you find them generally industrious as labourers?—Certainly; our labourers for the manufacture were separated from the ryots; he does not take any part in the manufacture of the indigo after he has delivered the plant.

4181. Amongst what class did you find those labourers for the manufacture?—The common people of the country, as labourers, are found in the villages. I suppose, during the manufacture, which lasted about two months, I had from two to three thousand men in constant employment.

4182. Had you any or what number of Europeans employed under you?—None whatever.

4183. Do you conceive that under any circumstances, supposing the intercourse with India to be more open to Europeans, it would be for the interest of any capitalist engaging in indigo concerns to employ others than natives as assistants, both in the manufacture and the cultivation?—Many do employ them. I had a great dislike to employing European assistants, because I found the natives always fully sufficient and always trustworthy, and the more confidence I had in them, the more deserving I found them of it; I placed the greatest confidence always in the servants under me.

4184. Do you think that probably much employment would, under the circumstances stated, take place; to such an extent as materially to interfere with the employment of natives?—I think not.

4185. Can you state what would be the difference of cost in the employ of European and native servants?—No European servant we could get could stand the climate sufficiently to undertake the business; I have no idea, except as overseers, that they could be employed; assistants we call them.

4186. What would be the difference of expence of European and native assistants?—We gave an assistant from one hundred to one hundred and fifty rupees a month, a native from twelve to twenty.

4187. What would a half-caste cost?—I should think he would not, if a man of any character, come under one hundred rupees; we gave a Portuguese fifty rupees, who is merely a

21 May 1830. — G. Harris, Esq. person not superior to the native in general character, but is considered to have a little command over them, that is, where private cultivation prevails.

4188. From the experience you had, you have no reason to repent your own determination to give a preference to the employment of natives in the highest situations under you?—Certainly not.

4189. From your experience of the natives under those circumstances, do you conceive that the introduction of a greater number of European settlers would lead to frequency of dispute, or produce other consequences detrimental to the native population?—I think it might in general; that depends upon the person to whom the factory belongs, how his business would be conducted. If he saw the least symptom of violence in an assistant or an overseer, he would discharge him at once, because it must be his interest to use the ryot well; and as we are all influenced more or less by self-interest, of course we should keep the ryot in the best possible humour.

4190. Have you observed that there exists at present any indisposition upon the part of the ryots or natives to the intercourse and co-operation of European settlers, when they are to be found amongst them?—Not at all.

4191. Do you conceive that from such intercourse the natives would be gainers, or otherwise, in point of instruction and morals?—I should think very much so.

4192. Have you observed any disposition to improvement in agriculture on the part of the ryots themselves, and upon their own account, when circumstances have admitted of it?—Yes, I think I have.

4193. What have been the circumstances most favourable to that improvement which have fallen under your observation?—Their better condition, in the districts where indigo was chiefly cultivated, enabled them to have a greater number of bullocks for their ploughs, and the ground was better cultivated as they improved in means. Wherever a ryot can save a few rupees, the first thing he does is to buy a bullock; his property is chiefly, if not all, in stock, and the bullock is the only animal used in the plough.

4194. You think there is a disposition on the part of the ryots, where the circumstances in which they are placed enable them to save any thing beyond that necessary for their actual support, to expend it in improvements of that nature, rather than in mere extravagance?—Yes, certainly.

4195. Were the population with which you were acquainted entirely Hindoo?—Not entirely; the general population in Kisnagur, I think, was two-thirds Hindoo to one-third Mussulman, speaking of the district generally.

4196. Should you make any distinction with respect to the two religions, as to the opinion you have formed, their habits, their integrity, or their industry?—The Hindoo, compared with the Mussulman, is a man of much superior character generally as a servant.

4197. You would prefer, under the same circumstances, to have to do with a Hindoo population?—Most undoubtedly.

4198. Did you observe any religious jealousies on the part of the Hindoos, or more particularly the Brahmins, of Europeans settling amongst them?—None whatever.

4199. Are you of opinion that such would arise if the number of Europeans were greater than it is now?—I should think not, as the new settlers would be chiefly of the better informed Europeans.

4200. Your opinion, then, of the safety of a more frequent settlement of Europeans in India is founded upon the belief that it would in general consist of persons of a superior character and education to those of the lower orders?—Certainly

4201. Have you had occasion to observe particularly any other species of cultivation than that of indigo?—No, I have not.

4202. You have not seen any thing of the cultivation of sugar?—No; there is very little sugar or cotton cultivated in that district.

4203. Is there any alteration in the existing laws and regulations, by which you think the cultivation of indigo might be more generally and beneficially extended?—I can hardly form an opinion upon that subject. I should think the possession of lands legally would enable the European to do more than he did indirectly, and judging only from the improvement that took place whilst the lands were in our possession.

4204. Have you any means of knowing whether the improvement in those lands has continued or increased since you left India?—I believe it has considerably increased.

4205. What was the state of the police and of crime in the part of the country in which you resided?—That relates so much to the office of the magistrates of the Civil Service, that I can form a very little judgment upon that subject; I think the police of Kisnagur at one time was in a very low state indeed.

4206. What appeared to you to be the crimes most prevalent among the native population?—Whilst I was in Kisnagur, the crime of decoity and gang-robbery was at its height; not that ever I was molested by the people in the least, though perhaps residing in the very next village to them; and I remember only one instance where they attacked an indigo planter whilst I was there.

4207. Were those gang-robberies carried on by persons who

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at other times were engaged in the cultivation of land, or by professional robbers?—By professional robbers.

4208. Do any means occur to you by which that species of offence might be diminished?—No, I cannot state any. It is now greatly diminished throughout the district. The East-India Company took great pains to put it down. An indigo planter was the person under whom the greatest number of those decoits were taken up and brought to punishment; he was afterwards made a magistrate of Calcutta, and is now a magistrate of Calcutta.

4209. Your experience in the salt department relates to a remote period?—A very remote period.

4210. Is there much difference in the quality of the indigo produced in different plantations?—It depends entirely on the goodness of the plant.

4211. More upon the goodness of the plant than the soil?—The soil, of course, has its effect on the plant.

4212. What was the state of education among the ryots and native population with whom you were in immediate contact?—In a very low state—little village schools; there were no other means of education, except for the higher classes.

4213. What sort of education was given at those village schools?—Merely a little writing, and reading Bengalee, and keeping accounts.

4214. Did you observe any taste for learning?—Yes; they were all eager to learn; the boys went with the greatest pleasure to it; and some of the little tracts published concerning geography, and those little things which the missionaries at Serampore published, they would come and copy.

4215. Did you observe, among such of the natives as had at all any means of indulging it, a disposition to use and procure English manufactures and commodities?—As far as their means went; it was the greatest present you could give to a native servant—the present of a piece of broad cloth. When I have gone to Calcutta they have requested me to bring them back pieces of broad cloth particularly.

4216. Have you any doubt that an increase of means on their part would be attended with an increased demand for English commodities?—Amongst the better classes, certainly.

4217. What is the expense of bringing into indigo cultivation any given number of acres of land?—We advanced two rupees a bega for the cultivation in the first instance, and one rupee for seed and weeding.

4218. Does the ground require much preparation for the cultivation of indigo?—It is a small grain, like turnip seed, and the better the ground is dressed the better the produce.

4219. Did you carry out with you large capital with a view to this speculation?—No; I did not, when I went to India first; when I entered into the indigo trade I had capital of my own.

4220. A great deal of indigo is cultivated by borrowed capital, advanced by the agency houses, is it not?—Yes; they are persons who deal in money, and who must get their money employed somehow.

4221. What is the usual rate paid for money advanced in that way?—Eight, and ten, and twelve per cent.

4222. Under that rate of interest, does the cultivation of indigo generally answer to the European?—Yes, certainly.

4223. Is not the rate of interest less now than formerly?—The rate of interest is eight per cent.

4224. You described a great number of labourers whom you employed during part of the year; how were they employed during the other part of the year?—They are workmen in the villages; many of them from great distances, where they cannot find labour. Hundreds I had in my own employ; some came from the distance of Nagpore, four, or five, or ten days' journey, for the purpose of getting employment, as Irish labourers come into this country.

4225. After the labour was over, they returned to their homes?—Yes; taking with them the little money they had saved.

4226. With whom did you agree for the leases you held in the names of your servants?—With the Talookdars and Zemindars.

4227. How many different leases had you?—At different times not above three or four large tracts; some leases including ten or twenty villages; some including as high as fifty villages I have had in one lease.

4228. What was the extent of land you held under lease, and what was the extent of land employed in the cultivation of indigo where you only made advances to the cultivators?—That I cannot accurately say; my cultivation was increased thereby in the villages that I got on lease; what the proportion was, I cannot say at all.

4229. What were the stipulations on each side in any of those leases?—I, by taking the lease, was placed in the Zemindar's situation, and paid him what sum of money he demanded. We took them, I think, at a little loss, in general, he rack-renting the villages first to an Izadaar, then to a second one called a Dur-Izadaar, before it came into my hands.

4230. You, having taken that lease, stood in the place of the Zemindar, and stood accountable to government for the revenue?—No; I paid that to the Zemindar, who paid to government.

24 May 1830. If I could not trust the Zemindar, I very often paid it myself to government, having got him to agree to it, for it was not always that he would; they are generally very extravagant people, and I got them to agree, if I could, that I should have the lease on those terms, and that I should pay the portion due to government to the Collector of the district, the remainder to go the Zemindar.

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4231. By that lease you became possessed of all the rights of the Zemindar over the ryots?—I always so considered.

4232. Was there any written agreement between you?—Always.

4233. Was that written agreement recorded in the Collector's books?—Not always, sometimes it was.

4234. Had you ever occasion to go before a court of justice with any of those persons?—No, never.

4235. Nor with any of the ryots to whom you made advances?—Never.

4236. What were the rights of the Zemindar to which you succeeded by becoming possessed of that right; what power had you over the ryots?—I had the power of distraining for rent if they fell into arrears.

4237. Was that rent to you fixed?—It was.

4238. Was that stated in the lease?—Yes; a rent roll was delivered.

4239. You gave to a Zemindar a fixed sum, and for that you succeeded to his right of taking from the ryots a fixed sum annually?—Yes.

4240. Was the payment of each ryot mentioned in the rent roll, or only the total payment of the village?—The payment of each ryot.

4241. What power of directing the mode of cultivation had you under that lease?—None.

4242. Then what was the benefit of the lease?—To keep other people off, and to induce the ryot to cultivate more land for me in indigo, through the goodwill of the ryot; getting him to cultivate more land for indigo than he perhaps would have done if I had not taken the lease.

4243. The only difference under the lease was, that he was to pay to you instead of paying to the Zemindar the same sum?—Yes; but the ryot had a friend. Whenever the rent-day came, I paid the rent of the village; I never looked to him till he sold his crop; I never forced him to pay his rent at any time when he was distressed for money.

4244. When you had a lease, did you make any advances to the ryots for the cultivation exactly as when you had no lease?—Yes.

4245. Then you cultivated no more in the one case than you did in the other?—No. 21 May 1830.

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4246. The advantage of the lease was, that you were able, as you think, to keep out interlopers more effectually than you would without a lease?—Yes.

4247. That having the lease, you could prevent the ryot making an agreement to deliver the crop to more than one person?—Yes.

4248. Do you apprehend, that if Europeans generally were enabled to hold leases of that description, the production and manufacture of indigo would be increased?—I should think not much; all the lands fitted for it almost are in cultivation; a certain quantity of land must remain to cultivate rice, and other necessaries of food. A certain proportion only of the ryot's land can be put into cultivation for indigo.

4249. Must not the amount of indigo produced depend upon the demand for it?—Yes.

4250. That demand would not be increased by the Europeans holding lands?—No.

4251. Therefore neither the cultivation of indigo, nor its manufacture, would be at all increased by an alteration of the law?—I do not see that it would be increased by an alteration of the law.

4252. Supposing you had made advances for the delivery of indigo produced on 5,000 begas, and that you were desirous of establishing a factory, for the purpose of manufacturing it, what would be the cost of that factory?—The cost of the factory forms a very small part of the outlay.

4253. In what does the outlay consist principally?—In the advances, and in the expence of the manufacture; the building, (*id est*) the brick and mortar, is a very small proportion.

4254. What was the annual amount of your advances on the 36,000 begas?—My annual outlay was about two lacs of rupees.

4255. That is the outlay in advances only?—In advances and labour.

4256. What proportion did those advances to the ryots bear to the expence of manufacture?—I can scarcely tell; I should think not so much as one-half; I should think about one-third, or nearly one-half.

4257. Had you any difficulty in disposing of those factories when you left the country?—None whatever.

4258. Are there generally persons desirous of entering into the employment?—In general.

4259. Would persons desirous of entering into the employment be equally willing to take off the hands of the indigo

21 May 1830. planter, who wishes to retire, the lease he had of his lands?—Oh yes, certainly.

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4260. Did that lease, in your opinion, give you the power of obliging the ryot to cultivate indigo?—No.

4261. You never found any difficulty in inducing him to do it?—No.

4262. It did not interfere with the position of the ryot, but left him exactly as he was before?—Yes.

4263. Was any part of the capital you employed a borrowed capital?—Part of it was, at first.

4264. What security did you give to the agency house that advanced that capital?—I gave none.

4265. What security have they usually?—They in general make an insurance to cover the advance of money to indigo planters to whom they lend their money.

4266. Do you mean by the demand of a higher interest?—No; the agents latterly expected a life insurance to be made for a twelvemonth; when they sent in the annual account, they made the person take out an insurance for the balance of that account, and if that balance increased, the insurance was increased; if it diminished, the insurance was diminished annually, if it was an annual insurance.

4267. Upon what principle was the rate of insurance calculated?—The common rates of life insurance in that country.

4268. Are you aware in what proportion they differ from the rates of interest?—I am not aware.

4269. Can you state the premium upon a life of forty?—I cannot.

4270. The agency houses had no apprehension of not receiving the amount of what they had advanced, provided the indigo planter lived during the year; the only danger they contemplated, was that of his death?—If he died, his death paid off his account.

4271. Therefore they took a life insurance; but they had no other security—no power over the crop?—No; sometimes they had the security of the Factory; the crop they could have no security on.

4272. Is it the custom with individuals to enter into a joint security with the manufacturer who borrowed the money of the agency house?—Very seldom.

4273. Then the agency house may be considered to advance the money of its customers to those indigo planters, without any thing that can be considered as legal security from the planters to whom the money is advanced?—No, none.

4274. What proportion, in the part of the country with

which you are acquainted, do those whom you call the better classes bear to the others?—I cannot at all say.

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4275. Is it only the better class who would, in your opinion, be demanders of British manufactures?—I should think only the better class; I mean by that the class we employ as our head servants, and whom we call gomastahs; people immediately under us, to do all the business, and keep the accounts, and attend to the cultivation.

4276. Those are the persons whom you employ as assistants?—Yes.

4277. Those are the only persons who would demand broad cloth?—Those are the only persons who would demand European articles.

4278. Can you look forward to any state of things in which the great body of the people would become consumers of the British manufactures?—No, I cannot immediately.

4279. Was much distress occasioned in the districts with which you are acquainted when the calico manufacture in India was superseded by that of Manchester?—No, there was not. I was then in the district of Tipperah, when the Company's great factory was at Luckipore, and in the space of one year I should think from thirty to forty lacs of rupees were withdrawn from the manufacture of calicoes, and the revenue did not experience the least defalcation. The whole country in that part of it is cultivated like a garden; there is not a spot of ground where they could feed a bullock on scarcely.

4280. Did they not appear to be the worse for the failure of the thirty or forty lacs?—No; the weavers turned their hands to the plough. They are most of them little landholders.

4281. In that part of the country the revenue is by no means highly assessed, is it?—I fancy not.

4282. Was the revenue in general highly assessed, in your opinion?—Yes; we generally conceived it was; it did bear rather heavily on the produce.

4283. Did the ryot experience any difficulty in paying it?—Very frequently.

4284. Were you obliged to make frequent remissions?—Yes; I was very often obliged to lend them money for the purpose of paying.

4285. What was the condition of the ryot; how did he live?—From hand to mouth constantly.

4286. Had he any furniture in his house?—None that we should call furniture.

4287. Any clothes?—Oh yes; their condition was greatly improved latterly, from the time I first went there to the time

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I came away; their houses better, and their condition generally improved.

4288. That was during the space of how many years?—During the space of fourteen years from 1808 to 1822.

4289. What are their implements of agriculture?—A small plough, which costs from two rupees to four rupees; merely three pieces of wood put together; a very simple, light, inefficient machine indeed; the harrow is nothing more than a short ladder drawn across the ground; sometimes a few bushes are tied upon it, to bush-harrow the ground, being light.

4290. What is the depth of the furrow made?—It is a mere scratch of the ground.

4291. Do they always use oxen in ploughing?—Yes, with the exception of buffaloes; they always plough with cattle.

4292. What is the average quantity of land in the possession of each ryot?—Some ryots rent from two to forty begas, the average I cannot state; some rent two or three begas of land, some twenty, thirty, forty begas, as they have bullocks. They calculate by their number of bullocks how much land they can take; a pair of bullocks would plough on an average ten or twelve begas.

4293. In that part of the country, what proportion of the gross produce of the land remained with the ryot when he had paid his rent?—I cannot say.

4294. Was it such as to enable him to accumulate capital?—No; very seldom.

4295. Was the possession of land by the ryot of any real value to him?—Of course, it furnished him with the means of subsistence.

4296. He could not have afforded to pay more rent than he did?—Certainly not, in that part of the country.

4297. What he received from the land just maintained him and paid his labour?—Yes.

4298. Was it the condition of the ryots engaged in the manufacture of indigo, or of the ryots engaged in the cultivation of it, which was in your opinion improved?—I think that both were improved; the country got much better inhabited.

4299. Did they appear to pay their rent better at the end of the term than at the commencement of it?—Certainly, much better.

4300. What was the duration of your lease from the Zemindar?—Three years. They would seldom grant it for more; sometimes I had it for five years.

4301. In your opinion, you lost from taking the lease, except as you derived an advantage from keeping others off?—Some-

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times I lost by the lease: our object was not to make by the lease of the land, but to keep other people off, and to make our business easier, and to induce the ryot to cultivate more land than he otherwise would have done, knowing he might always get money when he wished for it, and that he would not be pushed for his rent, when it was not convenient to pay it.

4302. As you stipulated to pay a fixed sum, and to receive a fixed sum, the only doubt was whether you would receive the whole of what was due to you?—Yes.

4303. There was no possibility of making a great profit by the lease?—No; we very seldom made a great profit by the lease.

4304. In what manner could it be made?—By bringing more inhabitants into the village, as in the case I stated, by improving so much; until my lease was out, the improvements would be my own.

4305. You were understood to say, that the sum to be paid by each ryot was fixed?—Yes, when I took the lease; but I should manage to get a great many more inhabitants into the village.

4306. You could not exact more from any individual ryot who was there at the time you took to it?—No.

4307. But you generally obtained a rent from the new men?—Yes.

4308. You considered the land to belong to yourself, in the same situation as if you had been Zemindar?—Yes; and if we could establish more ryots in it, which has been the case in general while it was in our hands; if lands have improved, if we have brought the waste part into cultivation, that was our benefit.

4309. Do you think that a Zemindar would be induced to give a longer lease than for twenty-one years?—I never knew them give a lease of that period.

4310. Do you think the length of it would be sufficient to enable the European speculator to derive the full benefit from the employment of his capital?—Yes, I think it might.

4311. He would not look forward to remaining longer in the country, in all probability?—No, I think not.

4312. Does not the improvement in the condition of the ryot, and the manufacture and cultivation of indigo, depend much on the conduct of the planter?—Very much.

4313. Were you aware of any acts of oppression on the part of indigo planters against the natives employed by them?—Never, scarcely; it is so contrary to their interest. Instances have occurred, no doubt.

4314. In which they have been compelled to place more land in cultivation under indigo than they would have been induced

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4315. You think that not a general case?—Not by any means, certainly.

4316. Is the land under cultivation of indigo subject to inundation?—Not generally; they try to get lands which are subject to inundation, as they are by that means enriched annually.

4317. Is indigo an annual plant in India?—It is.

4318. Is it usual for the Zemindars to let their lands to Izadaars and Dur-Izadaars?—Yes; it sometimes happens many Zemindars keep the lands in their own hands, and collect their own rents, and do not farm them out.

4319. Does each of those classes of persons demand an increased rent from the class immediately below them?—Yes, there is an increase put on by each individual; one man takes it from the Zemindar on purpose to make a little bonus by it, and he lets it to another man.

4320. Does the ryot pay an increased rent in any case to the person immediately above him?—He is called upon to do it in a measure, sometimes.

4321. What power has he to make him pay an increased rent?—There is no power for it: but he is told, "I have been obliged to pay the Zemindar so much more than the rent of the village; you must make good some of it." In general the ryots are willing enough to do it, for they hold much more land than is in their leases or pottahs, and they are rather willing to come forward, if they think they shall be used kindly.

4322. If the ryot, since his pottah, has taken into cultivation any portion of land previously uncultivated, the Zemindar claims a right to charge a rent for it?—Certainly.

4323. And another person standing in his situation would exercise the same right?—Yes.

4324. The value of one of the villages you mention was increased from three hundred to thirteen hundred rupees; was the value of that lease increased by merely bringing a larger number of begas into cultivation, or the introducing a larger number of ryots; and did it, in consequence, pay a larger rent to the Zemindar?—If the village improved during the three years I held it, until my lease was out, I myself gained the advantage of it; then it fell back into the Zemindar's hands, and the next time I went to take a lease of him, he asked me so much more money, as I had improved the village so much, and he made me pay eight or nine hundred rupees; the next time he raised me up to thirteen hundred rupees. I do not mean to say that I had not collected thirteen hundred from the ryots, and with as much ease as I had the three hundred previously.

4325. Did the improvements which took place during your tenure of that village consist in the bringing new lands into cultivation, or the demanding higher rent from the ryots?—Bringing more land into cultivation, and bringing more ryots into the village, for the purpose of cultivation. 21 May 1830. G. Harris, Esq.

4326. But the old lands paid no more than they had done previously?—No.

4327. You treated, in the taking of land, with the Zemindar?—Sometimes I treated with the Zemindar; it was to my loss if I took of those holding under him.

4328. Do the expences of the cultivation of indigo differ much in different parts of India?—I believe considerably.

4329. To what extent?—I have known them differ one-third in different parts of the country, from a greater number of indigo planters being settled in one part than another.

4330. From whom had you the lease of the land on which your factory was built?—I held in perpetuity. An application was made to government to hold in perpetuity twelve or twenty begas, for the purpose of building a factory.

4331. Were all your factories built on that footing?—Yes.

4332. Who granted the perpetuity?—The Zemindar. I have rented small pieces of land from the ryot, that have been waste land, or out of cultivation, in order to cultivate indigo myself; I cultivated it a great deal myself at one time, in order to have workmen at the season of the year when I wanted them.

4333. Unless it is land in his own possession, or waste land, the Zemindar cannot grant a lease in perpetuity, can he?—No, I should think not.

4334. The ryot alone can give you the perpetuity at a quit-rent?—Yes.

4335. Have any zemindarry rights been sold, to your knowledge?—My son has bought a large zemindarry right within the last two years; he is a native born. I had rented it myself. I believe there are forty odd villages.

4336. In cases where zemindarry rights are alienated, is the licence from the government necessary to recognize that transfer?—Where a person is able to purchase it in his own name, he has only to register it with the Collector. There is no application necessary to government, that I am aware of.

The witness is directed to withdraw.

ENOCH DURANT, Esq. is called in, and examined as follows:

4337. You are engaged in the silk trade, are you not?—I am, as silk broker. E. Durant, Esq.

4338. Are you able to speak to the qualities of Bengal silk as compared with the Italian silk?—I am.

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4339. Can you state the relative estimation they bear in the market?—The range of qualities of silk both from Bengal and from Italy, vary very many shillings per pound. The best qualities of Bengal silk sell in this market nearly as high as the best qualities of Italian silk; but we have very little Italian silk which sells here so low as some qualities of Bengal silk.

4340. The very highest Bengal silk sells as high as the very highest Italian silk?—Nearly.

4341. What proportion of Bengal silk imported is of that quality?—A very small proportion. The Company have two filatures in Bengal, the best silk of which sells nearly on a par with the higher qualities of Italian silk.

4342. Do you know where those two filatures are situate?—The names of the districts I can state, but I do not know their locality; the names are Comercolly and Gonatea.

4343. The whole quantity of silk imported is about 1,200,000 lbs.; can you state nearly how much of this 1,200,000 lbs. may be said to be of good quality?—Of the highest quality, not above 10,000 lbs., speaking from recollection.

4344. The great bulk of the remainder is inferior to the Italian silk?—Taking as a standard the highest quality of Bengal silk at twenty shillings per pound, it ranges at all prices from that down to seven shillings.

4345. Can you state what proportion of the 1,200,000 pounds sells at seven shillings?—Considerably the larger quantity, comparatively with the highest.

4346. So as to form a large proportion of the whole?—Probably 50,000 to 100,000 lbs. weight per annum, out of the 1,200,000, is of low quality, seven, eight, or nine shillings; but that quality is not imported by the Company; and I am not aware whether the question relates entirely to the Company's silk, or to Bengal silk generally; about one-quarter to one-sixth part of Bengal silk is imported by the private traders. When I speak of silk at seven, eight, or nine shillings, I do not speak of the Company's importation.

4347. Setting aside the extremely bad silk and extremely good, what is the average price of the greatest proportion imported from Bengal?—It is impossible to answer that question; the average prices of each Company's sale will materially vary, and I think it would be difficult to get at the average price of any one sale; probably I should come near the question by stating that at the last Company's sale (I speak from recollection) the average price of their silk was somewhere about thirteen shillings per pound.

4348. Can you state the price last year of the good Italian silk, not of the first-rate quality, but an average fair quality?—Understanding the questions to apply all through to raw silk, I

should think (there was a good deal of fluctuation last year in the market) the average price of the current qualities applicable to general purposes of the manufacture of broad or garment silk was about eighteen to nineteen shillings per pound.

4349. Has the quality of Indian silk improved within late years?—Speaking of it generally, certainly not.

4350. Are you sufficiently acquainted with the manner in which it is raised in India to be able to state from what reasons it continues to be of inferior quality to the Italian silk?—I have no practical knowledge upon the subject.

4351. Have you collected such information as to enable you to form an opinion upon the subject?—Apparently the reason why it is not improved has been from its having been under the management of a great company; I am of opinion that the system of a great company reeling silk is inconsistent with that very close superintendence which is necessary to the perfection of reeling silk. Silk is not like cotton or hemp, or any of those articles which can be pulled to pieces, and the fibres drawn out by machinery, but it begins with a filament or worm thread, and the regularity or evenness of the thread, which makes the perfection of the silk when reeled, can only be acquired by a practised hand and experienced eye. Machinery cannot combine these filaments so as to make a perfect silk thread. From all the information I have received from the silk reelers of Italy, they speak of the extreme close superintendence which they are obliged to exercise during the time of reeling over every department of their filature, in order to obtain a tolerably good quality; and the superintendence, so close and so attentive as it is described by these silk reelers of Italy, I apprehend, never can be obtained under the agency of a large company.

4352. In point of fact, however, the silk brought to this country by the Company is better than that brought by individuals?—Generally much so, because there are no European filatures of any extent, or perhaps only one remaining, except those in the hands of the Company; the silk brought to this country by private traders is purchased in the market, having been reeled by native reelers, who do not adopt the full advantages of the European system of careful reeling.

4353. What measure would you suggest for the purpose of improving the cultivation of silk in India?—I think the situation and circumstances of the silk manufactories of this country indispensably require that the raw silk supply from India at this moment should not be disturbed; but I apprehend the only way to improve the quality of silk in India would be by opening it to the competition of individual reeling; but that is only on general principles, and applying them to this particular question.

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4354. Are you aware of any restrictions now placed on individuals engaging in that manufacture in India?—There are no restrictions that I am aware of; but the transactions of the Company are so extensive in silk, and in consequence their mode of supplying the market is such, that individuals cannot enter into successful competition with them as silk reelers, while their transactions are on their present scale. Facts will substantiate this. There have been attempts made to establish European filatures in India at very considerable cost, and under the very best management, but the two largest have been relinquished, after some years' perseverance.

4355. Are you aware of any proceedings on the part of the Company that led to the abandonment of those filatures?—No direct proceedings that I am aware of; but the general system of the Company rendered the pursuit not only unprofitable, but I apprehend also losing concerns. As respects the effect of their system here, the Company import a certain quantity annually, within a few hundred bales; at least they endeavour to import about from 800,000 to a million pounds annually; the demand for the raw material in every manufacture of the country will very materially vary from one year to another, and there is sometimes a much greater demand for silk some particular year, and much greater activity, than in others; the Company importing their regular quantity, and selling their regular quantity as they import it, when those quantities happen very considerably to exceed the demand for raw silk, prices fall, and a loss is sustained sometimes of twenty or thirty per cent., and this involves the private trader who is bringing silk to this country. The Company are content to bear this loss, considering that the subject has various bearings, and that it is also a question with them of remittance. Whatever may be their reason for bearing the loss, the result is, every now and then, a year occurs in which the quantity offered is not demanded; the consequence of that is, it sells at a great loss, reducing the value of private trade silk, and occasioning the individual loss which I have mentioned; and I attribute to this circumstance, more than any other, the private filatures of Bengal have been given up.

4356. Your opinion is, then, that the Company not accommodating the supply to the demand with the same nicety and the same attention which would be exercised by the private trader, occasions a variation in prices which is fatal to the speculations of the individual?—Certainly, that is my view; but it is impossible that any company can proportion a supply of raw silk, requiring much previous arrangement, to the demand, because on the system of a large company their orders must go out upon a general scale; they must receive upon a general scale; and they must sell on a general scale.

4357. You think that the Company importing silk into this

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country for the purpose of remitting that which must be remitted, whether at profit or loss, are not influenced by those considerations which govern and control the private merchant, and therefore materially interfere with those merchants?—Yes, and on other grounds also; for having opened filatures in Bengal, and having a certain population in their silk districts to provide for, according to their views, they are compelled to go on one general scale of reeling a certain annual quantity. They are not purchasers in the market; they are the reelers of the silk in Bengal. These circumstances therefore operate in several ways. Whether the demand is slack or great, they are obliged to issue, in the first instance, orders for a certain quantity; they bring this quantity, and they consider themselves obliged to sell this quantity. Under these combined circumstances, when the demand slackens so as not to take it, there is always considerable and sometimes great reduction in price, which the private trader cannot support.

4358. The result is, that a private individual cannot trade in competition with a company conducting a trade occasionally at a loss?—I so consider.

4359. In those observations, do you refer to the importation by the Company of raw silk only, or of manufactured silk?—Of raw silk only; I know nothing of manufactured silk.

4360. Have you referred to the accounts presented to Parliament of the quantity of silk imported by the Company in successive years from the year 1814?—I have not; I cannot speak to them, except from memory.

4361. Are you not aware that there is a very great variation from year to year?—Yes, there is a variation from year to year; but the Company import in what are called seasons. A part of the season of 1828 may by accident be so imported as to be reported in 1829. The quantity imported for each season has been about 700,000, or from that to 800,000 weight per season; but the returns per year will vary from that, because it may be so arranged that two-thirds perhaps of each season may come in in one year, increasing the imports of that particular year, and diminishing the year following. There is sometimes a delay of their shipping, or some delay in the passage, and it will come in in the next year in consequence.

4362. Do you know at what cost the Company raise their silk?—I apprehend that varies from one year to another, depending on the price of cocoons; and the cost of silk in Bengal will be much affected by a greater or less loss, upon advances made. I apprehend, on this and other grounds, it will be difficult for the Company to ascertain the real cost of their silk.

4363. You refer to advances make for silk in India?—Advances made to the natives in India for cocoons.

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4364. Are you acquainted with the cultivation of silk in Italy? —Not practically; merely from information.

4365. Do you know the comparative difference in the price of labour?—No.

4366. Do you know the comparative amount of freight?—No.

4367. Does it appear to you that the reeling of the Company's silk has been inferior of late years to what it was?—Some of the Company's filatures have improved, and some have retrograded, so that I think there has been, upon the average of late years, no material alteration.

4368. Do you think that, considering the natural qualities of Indian silk, if the same attention were paid to the reeling of that which is paid to the reeling of Italian silk it would fetch a higher price in the market than it does?—I think a much greater proportion of it might bring the higher price.

4369. Do you know whether that proportion of it which bears a high price is produced by the same silk worm, and from the same tree, as that which bears the low price?—From the same cocoons, certainly; only that the cocoons are sorted with greater care.

4370. Do you know of any difference between the Italian and the Indian worm?—The thread of the Indian silk is different to the thread of the Italian worm, but it does not follow that the silk is inferior. The Indian thread is not so firm as the Italian thread; for some purposes it is better, and for other purposes not so valuable.

4371. Can you state the relative value of the silk produced in a very hot climate as compared with that produced in a more temperate climate?—A very hot climate, I apprehend, is unfavourable to the production of silk; a moderately warm climate is favourable to it. The great difference is, that the best silk is generally produced on the higher grounds of the country, not on the plains; but that is a difference not important, but I have been informed there is a difference.

4372. Is not a great deal of artifical heat introduced into the filatures?—The cocoons are reeled out of warm water; there is no other artificial heat.

4373. Has there of late been any improvement in the silk manufacture of India?—I have no knowledge of manufactured goods.

4374. You have stated that the best Bengal silk is equal in price to the best Italian silk?—Nearly so.

4375. Is it applicable to the same purposes in manufacture? —Not precisely to the same purposes, but to the same class of goods, or rather to goods of equal price when manufactured. I

believe it will not make velvet, but it will make silk goods, which will sell as high as velvet.

4376. When you speak of the expenses incurred by the Company in cultivating silk in Bengal, do you include in that estimate the cost of their buildings?—The buildings required are, I believe, very trifling. I certainly had no reference to buildings; my reference was to the expense of their commercial establishment, their agencies, &c.

4377. Do you think that supposing the production of silk in India to be improved to the highest degree which you think it capable of, our manufacturers could proceed without the assistance of the Italian silk?—The general impression among the manufacturers is, that they cannot proceed without some Italian.

4378. Will you state your reason?—Hitherto they have not found that in some articles of manufactured goods the Bengal will produce an equal quality.

4379. Are they ever used together?—Constantly; I believe Italian is now rarely used without a mixture of either Bengal or China silk.

4380. Does that improve the quality?—It either improves the quality or reduces the price; I think more reduction of price than the improvement of quality.

4381. Is much Indian raw silk sold for exportation?—Very little.

4382. Has it ever occurred that Indian silk has been exported for the French manufacture when the crop failed on the Continent?—When the continental silk has been very dear, there has been some sent; but an exportation of China silk takes place much sooner than Bengal silk.

4383. Has any exportation of Indian silk taken place this year?—No, none this year.

4384. In the last year?—Of China silk, I think there was, last year, but not Bengal.

4385. Does the quality of China silk vary so much as Bengal silk?—No; it is much more equal.

4386. How do you compare China with Bengal?—The very highest quality of China, Bengal, and Italian, sell nearly at a price; but the general price of China silk is below the medium of the fair class of Italian silk.

4387. Applicable to the same purposes?—Of late it has been found so; but there was for many years a great prejudice against it.

4388. Has the quantity of China silk imported increased?—The Company have relinquished the China silk importation for some years; and since they have given it up the importation of China silk has been gradually increasing; it is now about

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three hundred thousand pounds weight per annum, or rather more; last year, I think, it was five hundred thousand or six hundred thousand.

4389. In whose hands is it now?—The Company's officers, captains, mates, &c., and also private traders, who now bring it very much, I believe, as a return investment for their out-shipments.

4390. Do you happen to know the price in China?—It varies a little in China. I can state what it is understood to cost in English money when purchased at a moderate price; it is understood to come in here, including expenses, at about sixteen shillings.

4391. What does it sell for?—Of late, it has sold under that price; at a loss rather than a profit.

4392. Has any attempt ever been made to bring the cocoons into this country for the purpose of reeling them?—The attempt has been made from Italy, but not from India; but they are very bulky, and pressing them into the package injures them; their bulk prevents their bearing the charge of freight.

4393. Are you aware whether there is any great difficulty in sending the silk worm from one country to another?—Not the least. The seed has been taken from any one country to another; the China worm has been brought to Italy, *vice versa* the Italian and China worm to Bengal; but it has been always found that the worm partakes of the climate to which it is transported, in a year or two.

4394. In order to produce in India the same quality of silk in successive years, it would be necessary from time to time to have fresh importations of the worm?—I do not think that will have the effect, for the fibre of the silk will depend in some measure on the food, and the food is different in quality.

4395. Would the variation increase, or would it be as great in the first year as in succeeding years?—The attempt has never been much persevered in; but I think it would be as great in the first year as in the subsequent years.

4396. You think that the worm does not degenerate in another climate?—My impression is, that the quantity of the silk depends very much upon the food, and not upon the worm; that therefore, if the worm is transported from one country to another, that would not much alter the quality of the silk; but I do not think there is so much difference in the intrinsic quality of one silk and another, as in the preparation in the reeling of it. Whether silk is of the production of France, Italy, Spain, Bengal, or China, if it is very accurately reeled, it will all obtain high prices.

4397. Is not some silk of stronger fabric than other silk?—Some silk is of stronger fabric than other silk; but the weak fabric,

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if equally level in its thread all the way through, is applicable to some purposes to which the stronger is not applicable, and therefore will fetch a high price for some purposes. Where a very even thread is wanted, for example, some kinds of garment, silk, lace, crape, &c., in some the stronger, and in some the more delicate are best suited, and they will all equally bear a high price.

4398. Is the import of a large quantity of silk at an inferior price of great importance to the silk manufacture under its present circumstances?—I think, as the manufacture of this country is now situated, subject to the Continental competition, the import of a large quantity of Bengal silk at a low price, the consumption of which is confined exclusively to this country, is essential to its prosperity, and the withdrawing of it would be very hazardous.

4399. Do you know why the consumption of that sort of silk is confined to this country?—From the better understanding its preparation.

4400. Are foreigners in the habit of mixing in the same manufacture the finer and the inferior sorts of silk?—I have no knowledge of the foreign manufacture, but I apprehend not to the same extent that we are. They do not get the various qualities of silk to enable them to mix; the manufacture of the Continent is chiefly confined to silk of the growth of Italy and France.

4401. Is Bengal silk much used with other materials, not silk, in this country?—Bengal silk is much more used with other articles than the silk of other countries.

The witness is directed to withdraw.

Ordered, That this Committee be adjourned to Tuesday next one o'clock.

Die Martis, 25° *Maii* 1830.

The Lord President in the Chair.

Mr. ARTHUR RYDER is called in, and examined as follows. 25 May 1830.

Mr. A. Ryder.

4402. In what occupation are you engaged?—I am a cotton dealer.

4403. How long have you been in that line of business?—Throughout my life; for seven-and-twenty years.

4404. In your business, are you acquainted with the qualities of the cotton produced in different countries?—I am.

4405. Have you observed in that period any alteration in the qualities of the cotton imported from different countries?—It varies according to seasons.

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4406. Is the American cotton better than when you were first acquainted with the business?—It is.

4407. What particular species of cotton is improved?—The short-stapled cotton, which is called Upland or Bowed Georgia.

4408. Are you aware of the means by which improvement has been accomplished?—I am unable to speak from my own knowledge, never having been in America; but I have heard it attributed to the continual changing the seed—using fresh seed every year.

4409. Is it not from the plant which has occupied the ground on the preceding year?—Precisely so.

4410. Is it usual to bring a different species of seed on to the land of succeeding years?—I cannot say; but continued renewed planting is necessary, as the plant degenerates after one year's growth.

4411. Does it appear to you that any great improvements have been made in the process of cleaning?—A good deal so; the cotton comes cleaner and more perfect than it used to do formerly.

4412. The price very much depends upon the manner of cleaning it, does it not?—The value of the article certainly is improved by its being free from any dirt or stain.

4413. Is the American cotton sent to this country in a condition very superior to the cotton of other countries; is it better cleaned than the Egyptian cotton?—In some cases it is; but the Egyptian cotton for the last two years has been very much improved.

4414. Do you mean in natural quality?—In cleanness, and generally speaking it has been improved.

4415. Do you know what methods of cultivation have been adopted for the purpose of effecting that object?—I do not; but of late the Sea Island seed has been more used, and a valuable description of cotton is produced from it.

4416. Has there been a great variety in the species of cotton introduced from America of late years?—None. The growth of the United States is confined to two qualities: Sea Island and Santu, or long-stapled growths. All the rest is short-stapled, and denominated upland.

4417. Is it superior to other cotton?—The Sea Island and Santu growths are superior; the Santu, as well as the Sea Island, is superior to all other growths.

4418. It is understood that the neighbourhood of the sea is almost essential, is it not, to the production of the finest cotton?—It is so.

4419. Are you acquainted with cotton of Brazil?—I am.

4420. Is it superior to the American?—It is superior to short-stapled American cotton generally, but not superior to Santu or Sea Island.

4421. Is that as well cleaned as the American cotton?—Yes, it is so.

4422. Are you aware whether there has been recently any improvement in the machinery employed in the cleaning of cotton?—I am not.

4423. What relation in point of price does the best Indian cotton bear to the best American?—India cotton, being short-stapled, is governed in price by the American growths of short-stapled cotton; and the prices of India generally bear a proportion of two-thirds of the value of American. When the latter sells at sixpence per pound, India cotton has been at three-pence to four-pence halfpenny per pound; when American cotton sells for ten-pence to one shilling per pound, India sold for five-pence halfpenny to eight-pence per pound; when American has been eighteen-pence to twenty-one pence per pound, India has sold for twelve-pence to fifteen-pence per pound.

4424. To what do you attribute the great inferiority of price of the Indian cotton?—It is shorter in staple; has more dirt and waste in being manufactured.

4425. Is it shorter in staple than the short-stapled American cotton with which you have compared it?—Very much so.

4426. Is there no long-stapled cotton from India?—None whatever from India.

4427. Is it inferior in fineness to the American short cotton?—It is inferior generally, both in regard to staple, and requires more labour to clean it. India cotton is generally used by itself for making low goods, or else mixed with American and other cottons to reduce the price of manufacture. In this country it is but partially used as a whole; and whenever American cotton is at a very low price, East-India cotton is neglected, and used only in small quantities. It is much more used abroad.

4428. Is it at all deteriorated of late years?—The quality varies according to seasons. The last two years, certainly, the India cotton has been of lower quality generally, being very dirty, with other defects.

4429. What price do you apprehend that Indian cotton would fetch if it was cleaned as well as the American cotton?—At the close of January in this year, at a public sale that took place in the city, there was a small portion of East-India cottons that sold at sixpence per pound; it was very clean, and very perfect in its fibre or staple. At the same time, cottons from the same division of India, which is the Malabar coast, sold at three-pence per pound. In reference to the price of American at that time,

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I would say that good short-staple American cotton was worth 7½d.; while this cotton brought 6d.

4430. Do you know from what part of India particularly that good cotton came?—I know nothing further, than that it was shipped at the port of Bombay.

4431. By what house was it imported?—By Smalls, Colquhoun, and Company, of the Old Jewry.

4432. When the cotton comes home in that sort of condition, what process do you adopt to attempt to clean it here?—I am not sufficiently acquainted with the process of manufacture to enter into details.

4433. Having undergone that process, is it equal in cleanness to American cotton?—Yes; it can be brought to any degree of cleanness by labour.

4434. Is the cotton injured by importing in that dirty state?—No, I apprehend not.

4435. What is the expence of cleaning it in that manner?—I have heard that the loss in weight is about ten per cent.; the expence, I should think, was trifling.

4436. Would it appear that the difference is so great as the difference in price you have stated?—It would not.

4437. Would it as much answer your purposes to purchase at 6d. per lb. cotton clean, as it does to purchase the same cotton at 3d. in its dirty state?—In giving a reply to that question, I conceive it belongs more to the manufacturer to answer that question than myself. I should say that cotton at 3d. per lb., with any sort of cleaning, affords a profit superior to the taking the cotton at the price of 6d. which is already cleaned; and I have heard spinners say, that they would rather have cotton from India, and clean it in this country, than have it tampered with in the cleaning. Either from their ignorance, or some circumstance, the fibre of the cotton has become injured in the cleaning; but I am unable to give the information that a spinner would be capable of doing.

4438. Have you ever attended to the different modes of packing between the Indian and American cotton?—I have never been abroad; but I have seen many thousands of bales. They are both pressed, packed, and screwed very tight; but nothing equals the screwing of Indian cotton.

4439. Do you apprehend that the violent application of the screw injures the fibre of the cotton?—Not at all; it of course expels the external air; and cotton will keep with all its qualities for very many years.

4440. You have already said that you do not apprehend the pressure applied to the cotton, though for a considerable period, ultimately injures its quality?—I conceive not.

4441. It is impossible to use the cotton until it has undergone the process of cleaning?—It would never answer for any purposes of yarn; the cloth would be full of specks and impurities. It is certainly requisite to clean it in all cases, previous to its manufacture. 25° May 1830. Mr. A. Ryder.

4442. Does the Indian cotton enter in a large degree into the manufacture of those articles of cotton which we export from this country?—I should conceive not in a great degree; but it varies according to its relative price with American growths of short-staple.

4443. It is more used in the manufacture of articles which are retained for home consumption?—I conceive so. My experience tends to the feeling, that Indian cotton is solely used in making very low goods; so far as low goods are exported to India, Indian cotton is applicable to that manufacture.

4444. You are of opinion that it is used for the making of inferior goods, and for effecting a reduction in the price?—Just so.

4445. Is there any further information which you think it would be desirable to offer the Committee?—I would humbly submit for the consideration of the Right Honourable Committee, that prior to July 1820 cotton wool was permitted to be imported in British vessels for home consumption from any part, without reference to its place of growth, which gave our manufacturers advantages they do not now possess. From Holland we could get Surinam and Nickerie cottons; and from France, Cayenne, Martinique, and Guadaloupe cottons; all of which were used to advantage; and, more particularly, it tended to equalize prices all over Europe, which is now not the case. It is my feeling that it would be very desirable for the East-India Proprietors to make use of different sorts of seed. I conceive that it is very possible to improve the growth of cotton in India.

4446. Was the Indian cotton you speak of as having been sold for sixpence a pound as well cleaned as the American?—Not quite so well cleaned.

4447. Do you consider the best Egyptian cotton equal to the American?—The best species of Egyptian cotton is superior to every description of cotton that is grown, except the Sea Island and Santu or long-staple American cotton; and we are now receiving from Egypt an improved culture from Sea Island seed, which is greatly appreciated by our manufacturers, and promises to rival the growth of the Santu cotton.

4448. Have you ever happened to see any cotton obtained from the western coast of Africa?—Once I did; I do not know whether it came from Senegal or Sierra Leone.

4449. Was that of a good quality?—It was very long in its

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staple, but not strong in its fibre, and consequently not capable of spinning to any high numbers.

4450. Is there long-staple cotton in the island of Bourbon?—It ranks among other long-staple cottons; but I should call it, for a long-stapled cotton, short; it is very fine, and consequently capable of being spun to high numbers; but since the Sea Island cotton has been cultivated to the extent it has, Bourbon cotton has gone almost entirely out of use.

4451. Do you know what kind of cotton the finest Indian muslins are made of?—I should consider, the common cotton of the country, the short-stapled cotton grown in Bengal; but the whole of the manufacture in India is by hand-spinning, consequently there is a greater tension, from the moisure which the hand gives them, than can be had from any thing in the shape of machinery; a fine yarn can be produced by hand-spinning from a short staple which frame-spinning will not touch at all. The country of India produces nothing but short-stapled cotton.

4452. You consider the manufacture of muslin as a fine species of manufacture?—Certainly. The thread is spun by the hand in India. The muslins made in this country are spun from long-stapled cottons and fine-stapled cottons.

4453. When so spun by the hand, is it not applicable to the finer species of manufacture?—Certainly.

4454. Are you acquainted with Maltese cotton?—I have seen it; that is an inferior article.

4455. That is of the same species as the Egyptian cotton, is it not?—No; it is inferior to the Egyptian cotton; this is long-stapled, whilst the Maltese is short and poor.

The witness is directed to withdraw.

Mr. JOHN BRUDDOCK is called in, and examined as follows:

Mr. J. Bruddock.

4456. In what line of business are you?—I am a cotton merchant.

4457. Have you ever witnessed the cultivation of cotton yourself?—Never in my life. I have been in the habit of watching every point I have met with in drawing cottons, and examining the pods and seeds which have been imported into this country, and making particular observations upon them.

4458. Have you within the last few years observed any improvement in the natural quality of any species of cotton which have been imported?—I have not noticed any improvement whatever in the quality or in the description.

4459. Is there any great improvement in respect of cleaning?—Yes, there has been; in the American particularly; they send it in the most perfect state, and more fit for a market of all others. The Brazilians have fallen off in their cottons.

4460. Does the imperfection in the mode of cleaning very materially affect the value of cotton?—Undoubtedly; because the least particle of dirt or dust, or whatever it may be, in cotton, is sure to break down the thread.

4461. Do you apprehend it is possible to clean cotton as perfectly, after it has been imported into this country, and packed a number of months, as it is at the time it is first taken from the ground?—I should think it was. It is some years since I was in a factory; more than forty; but I should think the blowing-machine would effect that purpose.

4462. Do you think the cotton will have been injured by the presence of the dirt?—By no means.

4463. Is it injured by strong pressure?—No, by no means.

4464. Is it injured by confinement on board a ship, by the exclusion of the air?—No, I should think not; I have known cotton to be kept for twenty years and then work remarkably well—as well as when it first arrived.

4465. To what circumstance do you attribute the inferiority of the Indian cotton?—It is from the native seed; I have taken a seed and stripped it of the husk, pressed my thumb upon it, and it breaks more like dirt. I have taken the kidney seed, (for it is in the form of a kidney, that is, the Brazilian seed,) stripped and pressed it, and oil has appeared, which shows the superior strength of it. The Pernambucco is the strongest, and will I have no doubt produce the fullest quantity of all seeds, and of very good quality. Cayenne or Surinam is also very good; I have pressed the oil out of them also; they will produce quantity and good quality.

4466. Is the cotton produced in the Brazils equal to the best American?—No, it is not; it is a very useful article; of all descriptions, remarkably useful; but they are not equal to the Sea Island.

4467. Are they long or short stapled?—All long.

4468. Do you consider the Brazilian seed superior to the American seed?—I think that, considering quantity and quality, and treating it with attention in the cultivation in the East Indies, it would prove superior to some, and equal to any but the Sea Island, which is grown from Persian seed taken from the Bahama Islands. I have seen some already produced. I happened to be examining four samples at the India House in 1817 or 1818, with Mr. Robert Owen, and on opening one of the samples a kidney seed fell out, and I never saw purer cotton in my life; it had a very fine silvery gloss upon it; and I thought it fit for any purpose, the staple being remarkably strong, fine, and long.

4469. Where was that grown?—On the Coromandel coast, I was informed.

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4470. What was the value of that cotton?—I should think it would fetch, at the present time, about nine-pence, or from that to ten-pence, or perhaps up to a shilling.

4471. Was it long-stapled cotton?—Of course.

4472. What would be the price of the best Sea Island cotton?—Sea Island cotton of that quality is worth twenty-one and twenty-two pence. I used to purchase nearly all the Persian Bahamas seed at one time; and I have no doubt, from the inquiries which I have made, that those seeds were taken over to South Carolina and Georgia; the produce of the Sea Island is from those seeds; and the real Persian seed produces the finest cotton of any; but a small supply only of that cotton is wanted; we want a more useful cotton for all general purposes. I consider the consumption to have been increasing full five hundred bags a week for years.

4473. What are the particular qualities which give to cotton the character of usefulness?—I consider the Brazilian cotton to be as useful as a middle article for nearly all purposes, as any cotton which is grown. The American cotton is very good; the reason that it is in more general use, and that there has been so large a quantity grown, is, that a man can adapt his machinery for the manufacturing of that description, because the growth is very nearly alike, and he is always sure of supply. That is the case with some persons who work Indian cotton.

4474. Is the Indian cotton exclusively used in the manufacture of articles chiefly composed of other cottons?—No. It is mixed sometimes with Brazilian, Maranham, and Bahia, but Maranham chiefly, because that is more close and fit for twist than the general growth of Bahia.

4475. Have you communicated with persons who have been acquainted with the cultivation of cotton in the East Indies?—I once wrote a memorandum, and gave it to Mr. Robert Owen; that was in August 1815. I began to think of the expediency of it in 1808 and 1809, when the American embargo and non-intercourse took place. I have often thought that if another embargo was now to take place (as they send us such an immense supply) of three or four years, that it would throw the country generally into great confusion. There ought to be an ample, and a safe and a sure supply from our own possessions; it has become an article of such immense magnitude and importance to our national and individual prosperity.

4476. Does the dirty state in which the Indian cotton arrives in this country materially diminish its value?—It certainly lessens the value considerably; but it is generally worked into very low cloth, checks for sailors, and low calicoes or velvets, velveteens and cords, and other low heavy goods.

4477. Are you aware whether we have in this country supe-

rior machinery for cleaning cotton to that used in America?—Yes; I think the blowing machine is a very superior machine for taking the dirt out; but as to the gins for taking out that dirt and the remains of the seed, I know nothing of them; but I understand the East-India Company have sent some out lately on an improved principle of all others.

4478. Is it necessary that some degree of cleaning should take place in the country from which the cotton is brought?—Yes, certainly, that is essential; but the article from the kidney seed is very important, and may be so easily hand-picked and cleaned, as the seed may be taken out whole, and in its natural state.

4479. Supposing cotton to be imported in the dirtiest state from India, can you tell how much a pound it would take to clean it?—It would take a good deal of trouble to do that; it is the most difficult cotton to get from the seed. I have taken up some and pulled the cotton off with my fingers, and they have been sore for two or three weeks afterwards. I cannot tell how much it would cost to clean it; but there would be an extra freight to pay for seeds and dirt.

4480. Is it not more difficult after its remaining so long a time as it remains in the dirt?—No; I think the seed would become looser; but they must attend to that abroad.

4481. You cannot tell what it would cost in England to clean it?—No, I cannot; but it would be a very difficult thing.

4482. Is the Indian cotton of as good a quality as it used to be?—Yes; I can recollect it pretty nearly fifty years. Some parcels are better.

4483. Is it better cleaned?—Some parcels are better cleaned; we get one-fifth part of it clean from Bombay; the Madras cotton is well cleaned, and so is that from Bengal. The Bombay is the most useful cotton of the three.

4484. Is the Madras cotton from the Brazilian seed the only long-stapled cotton from the East Indies?—There were four samples at the time I went to the India House; I never saw a better sample in my life; I do not know whether that seed would not have equalled the best cotton that ever came from the Coromandel coast.

4485. Are you acquainted with the Dacca cotton?—I am not.

4486. Do you know whether that is imported into this country?—I think there was some thirty years ago. The brother of Sir Home Popham, if I am rightly informed, had an estate in that neighbourhood; and the cotton he sent was very good, fully equal to the best Bourbon; it was called Popham cotton.

4487. What is the quality of the Bourbon cotton?—It is not equal to the Sea Island for strength; it is a very good article

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for fine cambric and dress muslins; but it always degenerates in other climates. I have known the seeds to be taken to the Bahamas, and there it produced nothing better in quality than well-cleaned and fine Surat; and there have been several attempts in the East Indies to produce cotton from those seeds, but hitherto it has always failed; never yet equal to good Bourbon, Mauritius, or the Sechelt.

4488. For what purposes is the very finest cotton used?—For muslins, and for fine veils, and for all the superior kinds of goods and threads.

4489. Is the Sea Island cotton ever used unmixed with any other?—Oh yes, undoubtedly.

4490. It is used for the finest articles of that sort?—Yes.

4491. Have you ever observed any difference between East-India cotton coming from different parts of the East Indies?—The shortest of the whole is the Bengal cotton; it is the cotton for common stout calicoes for drawers and other heavy goods; the Madras is the next (that is between the two); Bombay is of the longest staple, and the most useful article, if properly cleaned.

4492. The Bombay cotton is not so long-stapled as the American?—It is very near; some part of it will make very good yarn indeed; and some part of the growth I consider that they very seldom transplant; they let the tree go on bearing for several years; they have taken no pains at all with it, I consider.

4493. You consider that it is best when it is sown annually?—I consider that East-India seed will either do for perennial or triennial planting.

4494. Does it ever remain in the same ground longer than three years?—I dare say it does so in the East Indies. I have often thought that they have not put down new seed for ten or fifteen years.

4495. Is the Sea Island an annual?—Yes.

4496. Is the Brazilian an annual?—No; triennial.

4497. Are you aware whether the ground requires any previous preparation for the cotton plant?—I do not understand the cultivation of it. Ever since the embargo and non-intercourse years I have always been thinking of it, and which would be the best to recommend, because I saw the importance of an ample and secure supply.

4498. When you talk of triennial cotton growth, do you mean that the cotton does not bear for three years, or that it lasts for three years?—It lasts for three years, and after that it is pulled up and fresh seed put in.

4499. Do you conceive that the inferiority of the East-India cotton arises chiefly from want of due cultivation?—No; I

consider it to arise from the want of new seed. Some of it is nearly half dirt; and there is no strength in it—no virtue at all.

4500. Have you reason to believe that by improved cultivation, and by selection of seed, the Bombay cotton could be produced to equal, or nearly to equal, the Sea Island cotton?—I have no doubt that as good and as useful cotton can be grown in the East-Indies as in America; and the cotton from this or kidney seed will produce, I have no doubt, four times the quantity which the present growth of Indian cotton does, and be much more easily cleaned.

4501. Do you conceive that from its being so much more easily cleaned superior machinery is not necessary?—By no means, it can be so easily done by the hand.

4502. You stated that there are a variety of species of qualities of seeds, will you state what they are, and what you consider to be the best?—The best for producing quantity and quality are undoubtedly the black kidney seeds; the kidney seeds I should recommend in particular are those I did to Mr. Robert Owen, whom I addressed once on that subject; the Surinam, the Pernambucco, and Cayenne; those are the three I should recommend.

4503. Is that the species of seed from which the Sea Island cotton is grown?—That is from Persian seed. I never saw a complete pod of it; but I know it is a very small seed, as compared with the Brazilian, and very heavy of the kind; it produces the very finest cotton. There is some growth of it now in our island of Barbadoes which fetches a very high price.

4504. You have spoken of the same cotton plantation remaining for a number of years in India; do you mean to say there is any cotton which never requires being renewed?—Certainly there is. We have had sent us over so much of the inferior article, I think it has been gathered in the most slovenly manner, and most negligently attended to in the cultivation.

4505. Is the plant there perpetual?—It is triennial, I should apprehend.

4506. Have you seen any cotton from the western coast of Africa?—Yes; I once saw two or three parcels that John and Alexander Anderson imported; but it was grown from the wrong seed—the Carthagena, which seed will not answer any where, I am sure; the seed was taken from Carthagena, the worst cotton almost to manufacture of any that is grown; it lies in strings.

4507. Has there been any change in the cottons brought from India, within your knowledge?—No, no change in the seed; we have had nothing but the old native growth.

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Mr. J. Braddock.

4509. There has been considerable variety in the different parts of the country from which it comes?—No; it runs very much alike in staple; some is better cleaned; but in the length of the fibre there is very little difference, if any, in the growth of the three presidencies singly.

4510. Does the facility of cleaning the cotton vary according to the seed from which it has been grown?—No doubt of that. The green seed always requires ginning; but the black seed, I consider, can be taken out by the hand, which no doubt is an advantage to the article, as the gin not unfrequently cuts the fibre.

4511. Do you know any thing of the cotton manufactured at Dacca?—I do not recollect ever seeing any from Dacca. I once saw in the East-India House an article which was sent over from the Mauritius as cotton, and was brought on at the India House to be sold as cotton. I could not tell what to make of it; and my remark upon it in writing was, "Thistledown of gold colour;" and I saw another of silver colour. I got the hatters to make trial of it instead of beaver; but they could make nothing of it; it was too weak in the staple; but I think, if grafted on a good fine healthy cotton tree of the black kidney seed, it would strengthen it, and give it substance for carding and spinning.

The Witness is directed to withdraw.

Mr. GEORGE AGNEU CARRUTHERS is called in, and examined as follows:

Mr. G. A. Carruthers.

4512. In what line of business are you engaged?—I was engaged in the Brazils as a shipper of cotton.

4513. Were you long in the Brazils?—I went there in 1813, and at different periods to the year 1827.

4514. Were you extensively engaged in the purchase of cotton?—Very much so.

4515. Was the cultivation of cotton in Brazil extended during that period?—It was rapidly, at that period, owing to high prices; but it is decreasing at present, from the extremely low prices in the Brazils and in Europe.

4516. Is there a difference in the quality of Brazilian cotton?—Yes, there is; the cotton produced in the southern provinces is of a shorter staple and an inferior article.

4517. Is there any cotton in the Brazils at a distance from the sea?—It can be cultivated in any part; but the want of roads makes it not worth while.

4518. Is the cotton cultivated in the interior of as good

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quality as that cultivated near the sea?—The cotton in the interior is better; the cotton near the coast is woolly, from the sandy nature of the soil; the upland cotton has a better staple, but the produce is smaller.

4519. Is the cotton very superior in the interior?—It is. The coast near the sea, in the northern provinces, has evidently been recovered from the sea at no very remote period; the soil is sand and shells, and very arid.

4520. Does cotton require a very rich soil?—No; a soil which has produced a good deal of timber. No land can be appropriated to cotton which has not been covered with trees (they are burned for manure), which is a positive proof it is a strong soil; but there is no very strong soil in Brazil.

4521. Will you describe what are the other peculiarities of soil and climate which in your opinion are most conducive to the perfection of the cotton plant?—I can only speak from the positive experience I have had of what the different climates produce. I found that in the warm countries near the line the cotton is best; and when we come southerly it is very short in the staple, and very woolly.

4522. Is the seed the same in both places?—Apparently.

4523. Whence was the seed used in the Brazils imported?—I do not believe it is known. It is cultivated very differently from the North American, I understand.

4524. You have witnessed the cultivation in the Brazils?—Repeatedly; and the process of cleaning.

4525. Describe the difference in the manner of cultivating the cotton in North America and the Brazils?—In the province of Pernambucco, which is the best cotton province, after the land is cleared, at the commencement of the rainy season, about the month of March, the seed is planted at considerable intervals. The plant gives the first season, is still more productive the second year, and tolerably productive the third; and after the third year it is usually abandoned.

4526. Is the same land again cultivated with cotton?—No; it must be fresh land.

4527. What interval of time is necessary?—After the third year, it is usually abandoned, and the land left fallow.

4528. For how long a time must it continue fallow before it is grown upon that land again?—They have it so very plentifully that they seem never almost to resume it.

4529. Describe the mode of cultivation in the United States?—I never have been there.

4530. Describe the mode of cleaning the cotton in the Brazils?—Three bars of iron about the size of that candle revolve one upon another, turned generally by a hand-wheel;

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the cotton in its rough state is placed on the one side, and drawn through by the motion of the rollers, subsequently beat with sticks to take out the dust, and finally the broken seeds and other impurities are picked out. Children generally are employed in this operation.

4531. What part of that operation is called ginning?—We have not the improved machinery of the United States.

4532. Have you ever had an opportunity of comparing the machinery used in the Brazils for cleaning the cotton with that used in North America?—There was an Englishman brought out a most expensive machine for cleaning the cotton, but it failed entirely.

4533. Is great care required to effect the cleaning of the cotton?—The Brazilian cotton is very clean; they are very careful to take any thing like seeds or yellow spots from it.

4534. Is labour very cheap there?—Yes, in respect of cleaning of the cotton, as it furnishes a useful employment to the children of the negroes, who would otherwise be doing nothing.

4535. Probably it is cleaned in the Brazils with much more labour and toil than it would be if labour was dearer?—I think it is.

4536. Do you think that increases the value?—Certainly; because there is less carding at Manchester in consequence.

4537. Can you at all estimate its increased value in consequence of its superior cleaning?—It would not be less than 5 per cent. certainly.

4538. Is the cotton hard packed for its transport to this country?—Not so hard as it is in India.

4539. Do you consider that the pressure deteriorates the value of the cotton?—I cannot answer that question.

4540. Do you think that if the Brazilian cotton were shipped in a dirty state, the cleaning could be performed so well in this country as it is in Brazil?—Never having been engaged in manufacture, having been a merchant, I am not capable of answering that question.

4541. Would it be possible by any machinery to clean it so perfectly as it is done by hand?—I have been told that the effect of machinery is to hurt the cotton; that the great tenderness of the Brazilian cotton will not sustain it.

4542. Is there such a quantity of land applicable to the cultivation of it in that country as to produce any quantity of cotton which may be demanded?—I should think there is; but the cultivation of cotton labours under a great drawback in consequence of the exactions of the government; cotton pays a very exorbitant duty, which was laid on when cotton was three times its present price, and which has never been reduced in

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consequence of the fall; I wonder how the planters keep on at all.

4543. Are the districts from which the cotton comes now almost entirely on the sea coast?—The only part of Brazil cultivated is the sea coast; all along the other is perfectly uncultivated.

4544. By what labour is cotton produced; by free or slave labour?—By slave labour exclusively.

4545. What is the price of free labour?—That is not known in the Brazils, except in handicraft trades.

4546. Have you estimated what is the value of labour in the Brazils as compared with labour in England?—Much higher.

4547. Consequently much higher than it is in India?—Much more so. There is a sort of qualified labour of the native Indians; individuals who are in the hands of a conductor, and made to work; but they are so very lazy it is almost impossible to get them to work, especially where there are fruits and other vegetable food in season; they will elope.

4548. You can hire slave labour, which gives you a guess at the price?—There are some persons who live by that alone; but it is extremely high.

4549. Can you state at all what it is?—I could not get a slave at the very lowest under 2*s.* 3*d.* a day, besides giving him food; and there are only certain periods of the day they can work; from the heat of the sun, they are obliged to retire.

4550. Is the labour required for the cultivation of cotton severe?—Indeed I do not think it is; it is severe clearing the land in the first instance, as they have to cut down the timber and burn it; but afterwards it is by the hoe.

4551. What becomes of the land which has been abandoned for cotton cultivation?—They very often resume it for the growth of the farina or tapioca.

4552. It is never again applied to the produce of cotton?—It might, after a distant period, if they wanted the land; but they have a very extensive country uncultivated.

4553. Has any instance come within your knowledge of its being so reapplied to the production of cotton?—Hardly ever.

4554. Do you consider it to be improper for that purpose?—I do not think it would be, after it has lain a proper time; the only manure they apply is the ashes of wood; and as soon as a sufficient quantity of vegetation has sprung up to burn over again, they can cultivate the land with ash, as it affords a sufficiency of manure.

4555. Do you know the comparative price of Brazilian cotton in the Liverpool market with American cotton?—It is more

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valuable, except occasionally the very fine Orleans or the Sea Island.

4556. From what cause did the machine imported by the Englishman fail?—He found it impossible to get the country people to bring their cottons to his machinery; by doing so they put out of employ numerous hands that could not be otherwise employed.

4557. Have you not stated that you thought the fibre of the cotton was injured by the machinery?—They had an opinion there that the fibre of cotton was injured by machinery. I saw some cotton cleaned by this machinery; it was remarkably clean. I do not mean to say that the fibre might not be hurt. It would not pay; the trade did not give it that preference which I think they ought. It was a transaction we all had our eyes fixed on.

4558. Was that machine you speak of a very large machine?—Yes, a very large complicated machine.

4559. The other machine of which you spoke is a small machine?—Yes; and it is in use at this time.

4560. Are the slaves you mention African slaves?—Yes; African slaves, or the descendants of African slaves.

4561. Are there no slaves obtained from the Indians?—No; the slaves come from Mozambique, Angolla, Benguella, and, contraband, also from the North of the Line.

4562. Are the Indians in the interior ever reduced to slavery?—A qualified slavery; they are obliged to work under the care of a conductor, who receives a portion of their labour.

4563. Can you state whether the slave population upon a cotton plantation keeps itself up generally?—On no plantation in Brazil do the slave population keep themselves up. I do not know whether they will now; but they, the masters, went on the principle of neglecting their slaves, and supplying themselves at a very cheap rate; I have known them sold at twenty pounds a piece.

4564. During the time you were there, there was a constant importation of slaves?—Very great indeed.

The witness is directed to withdraw.

Mr. ALLAN CAMPBELL DUNLOP is called in, and examined as follows:

Mr. A. C. Dunlop.

4565. What is your occupation?—I have been an Indigo planter.

4566. In what part of India have you resided?—In Bengal, in the district of Jessore.

4567. How far is that from Calcutta?—About 120 to 150 miles.

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4568. Did you become acquainted while you resided in India with the cultivation of cotton, and any other Indian products except indigo?—Very little.

4569. In what year did you go out to India?—In 1806.

4570. Had you a licence from the East-India Company?—No.

4571. You obtained when you arrived a permission from the Company?—A local licence from the government four years afterwards.

4572. How did you occupy yourself in those four years?—As a planter; learning the plantation system.

4573. You carried out no capital of your own, probably?—I found a capital when I went there.

4574. You borrowed it?—I had it given me by a relation.

4575. Had you likewise borrowed money?—Yes.

4576. What interest did you pay?—Generally twelve per cent.

4577. What security, if any, did you give to the house that advanced you money?—After getting into debt, securities by insuring my life.

4578. What extent of land did you occupy?—About 25,000 begas, or 12,000 acres probably.

4579. Do you mean that you advanced to the ryots who occupied that quantity of ground?—Yes.

4580. Did you hold a lease?—Leases indirectly.

4581. To what extent?—That I cannot say.

4582. Did you cultivate yourself any portion of that land you held on lease, or only make advances to ryots, in the same manner as you made advances to other ryots?—I held very little on lease; my cultivation was all through the ryots.

4583. By advances to them?—Yes.

4584. What advantage did you derive from possessing that lease?—Merely to keep out competition; to keep the other planters from possessing that land.

4585. From interfering with you in your engagements with the ryots?—Yes.

4586. When did you leave India?—In 1826.

4587. Did your business continue profitable?—At first it was very unprofitable; up to the year 1819 it was very much involved in debt.

4588. It afterwards became more profitable?—It did.

4589. Was the profit such as to enable you to pay the twelve per cent. interest you engaged to pay to the person who advanced the money to you?—Not for the first twelve to fifteen years.

4590. During all that time you carried it on at a loss?—Yes.

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4591. Do you apprehend there were any particular circumstances in your position which occasioned that loss, or that it was the usual debt of other adventurers?—It was from the competition in Bengal in general; from the great number of foreigners allowed to settle there, retiring from the native services in the conquered territories. The Company allowed all their pensioners withdrawn from the native powers to settle, to save the pensions; and they were not allowed to go into the interior of India, but to settle in Bengal, near Calcutta; and from the great competition for ten or fifteen years there was no profit.

4592. Did any native Zemindars engage in the manufacture of indigo?—A great many.

4593. Whom did they employ to superintend the manufacture; natives or Europeans?—Both.

4594. Did that competition materially interfere with your profits?—Very much.

4595. Are they at present manufacturers of indigo to as large an extent as the Europeans?—Not to the extent of the Europeans.

4596. But the manufacture by them is increasing?—I believe it is.

4597. Do they carry on their business with borrowed money?—I should suppose not.

4598. What was the interest to be obtained in the government funds at the time you paid twelve per cent. to the houses from which you borrowed?—At first, when I arrived in India, eight and nine per cent., it afterwards fell to five and six.

4599. Did the interest you paid continue the same?—Yes; while I was in debt it continued the same, up to 1819.

4600. What reduction took place then?—I got out of debt, and no longer borrowed any money after that; then I think it continued eight or nine per cent. to the agents.

4601. Do you know what interest they allowed their customers?—Eight per cent.

4602. At the time you paid twelve?—Yes.

4603. When the interest you paid was at eight or nine per cent., what interest did they then allow to their customers?—Six and seven per cent.

4604. A little above the rate of interest that was obtained in the governments funds?—Yes.

4605. Do you apprehend that a very large portion of the capital engaged in the manufacture of indigo was lent by those houses?—I believe the greatest part.

4606. There were very few indigo manufacturers who had capital of their own?—Very few, or none.

4607. Do they find any difficulty in disposing of manufactories when they leave the country?—Not generally.

4608. Have there always been persons ready to borrow money, and take their places?—Yes; agents; friends whom they push on merchants.

4609. Is the capital engaged in that speculation much larger now than it used to be?—A great deal, I should suppose.

4610. Is it the profit to be made for the speculation, or any other circumstance, to which you attribute the increase of capital employed in that manner?—I do not think the profit is so great.

4611. There is a greater difficulty in remittance to England, which detains money in England?—Yes.

4612. Has it appeared, that upon the whole it made a profitable speculation to those engaged in it?—Yes; the last ten years in particular.

4613. Is it at present?—I cannot say; it is four years since I left.

4614. You say that the cultivation of indigo, though unprofitable for many years, then became profitable?—Yes.

4615. For how many years was it profitable?—About six years before I left India.

4616. It was upon the whole profitable?—Yes; the price of indigo rose so much.

4617. Have you seen cotton cultivated in India?—Yes.

4618. In what part of India?—In Bengal.

4619. Near the sea?—No, not near the sea; in the interior

4620. Was it an annual or a triennial plant?—Annual in Bengal.

4621. Did it appear to be a profitable cultivation?—Rather so to natives; more attention is paid to it by them than indigo generally.

4622. Does it require manure?—The natives in India do not give manure generally.

4623. Did they use the same land for cultivation of cotton in successive years?—I believe they did.

4624. For several successive years?—Yes.

4625. Did you see any machines used by them for the purpose of cleaning it?—In Calcutta I did, but not in the country.

4626. Of what nature were those machines?—A kind of bowstring.

4627. You saw no European machinery?—No; there has been no great deal cultivated in the part of the country where I was.

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4628. In what manner was the bowstring applied to the cleaning the cotton?—Entirely by the hand.

4629. Was it done by children?—No; by men, and sometimes by females.

4630. Did they appear to take great pains in cleaning the cotton?—I am not aware of that; I did not see any particular attention.

4631. At what rate can you obtain labourers for the cultivation of cotton or indigo?—About six to eight shillings a month; three to four rupees.

4632. Do they feed themselves?—Yes, they do; the common labourers.

4633. Do they do much work?—They must be very strictly looked after, and kept to their work.

4634. Were you ever in a country in which slave labour was employed?—I have been in America.

4635. Did the common labourers of India perform the same work as the slaves in America?—Not so much.

4636. Did you employ any Europeans in your manufactory?—Several.

4637. At what wages?—Generally about 100 rupees a month to 200 rupees.

4638. Were they native Europeans or half-caste?—Generally Europeans, but I have had both.

4639. What could you have obtained the services of natives for to perform the same work?—We could not have trusted to natives to have done the duty in the same way. I got them at from thirty to forty rupees.

4640. How did those Europeans get out to India?—Most generally young men that went out on board ship, stewards of ships, and others that got their friends to transmit them out, and left the ship.

4641. Do the natives who manufacture indigo pursue exactly the same process of manufacture pursued by Europeans?—Yes, but not with the same attention.

4642. Are they improving in their mode of manufacture?—Yes; they are paying more attention; formerly they were very careless and inattentive to the manufacture.

4643. Did it appear to you, while you resided in the country, that more capital was employed in the cultivation of land than had been when you first went there?—Yes, a great deal more.

4644. Did the people appear to improve in conduct?—Most certainly.

4645. You speak only of Jessore?—Of Jessore particularly; I have not been out of Bengal.

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4646. Have you had an opportunity of seeing sugar cultivated?—Yes.

4647. Has there been much improvement in the quality of sugar grown?—I do not suppose there has been much; the natives are generally against all improvement, or breaking through any of their old customs; they are generally very indolent.

4648. Are you acquainted with the mode of the cultivation of sugar yourself?—No; but I have seen it; it is very common in the part where I was.

4649. Do you think it could be materially improved without the aid of machinery?—I think it could.

4650. You think that if Europeans were allowed to cultivate it, a very material improvement might take place?—Yes, I think that it might.

4651. Have not Europeans the same facility for engaging in the cultivation and manufacture of sugar as they have for engaging in the culture and manufacture of indigo?—I should suppose they have the same.

4652. Is the manufacture of sugar carried on by natives of the description to whom you have already alluded?—Yes.

4653. At about the same rate of wages?—Yes.

4654. Are there any sugar plantations carried on by Europeans?—I believe there are in the interior, but not in my neighbourhood.

4655. Do you conceive the natives better calculated or more likely to engage with advantage in the manufacture of sugar, indigo, or cotton?—In sugar and cotton, rather than in indigo.

The witness is directed to withdraw.

Ordered, That this Committee be adjourned to Friday next, one o'clock.

Die Veneris, 28° *Maii* 1830.

The LORD PRESIDENT in the Chair.

ROBERT RICKARDS, Esq. is called in, and further examined as follows:

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R. Rickards, Esq.

4656. WILL you turn to No. 2 of the Account of the Finances of India which has been laid before this Committee, page 14; what is that account?—It is an account of the total annual amount of the revenues and charges of the several presidencies in India from the year 1809-10 down to the year 1826-27.

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4657. What appears upon that account to be the surplus revenue and surplus charge for those years?—The two last columns of this account, entitled "General Result," contain, the one the surplus revenue, and the other the surplus charge. I have cast them up; and the surplus revenue appears to be £4,086,928, and the surplus charge £20,181,493; therefore leaving a surplus charge on the whole account of £16,144,565, according to an analysis which I beg leave to submit to your Lordships' inspection.*

4658. This account is entirely confined to the territorial charges?—Entirely.

4659. It professes to comprise all the territorial charges, both at home and in India?—In the year 1813, similar accounts that were then laid before the Select Committee of the House of Commons professed to contain, under the head of "Charges," every political expence incurred abroad, including the increased expenditure occasioned by the Mysore, Mahratta, and other wars, the Egyptian expedition, and the equipments for the reduction of our European enemies in the Indian seas; in the words of the Committee, "every charge incurred in the defence of their possessions in India;" I therefore presume that this Account, No. 2, is drawn out on the same principles, and therefore contains, not only all the charges and expences of a period of warfare in India, but the whole of the territorial charges paid in England.

4660. In your opinion, is the amount of surplus charge above revenue during those years correctly stated?—I have always been of opinion, since the year 1813, that these accounts exhibited on the face of them a large surplus revenue; official documents, as well as authentic writings, now extant, confirm the fact, that there has been a large surplus revenue from our territories in India ever since we got possession of the Dewanny in Bengal. It is so stated in publications by Mr. Verelst and Mr. Hastings, former Governors-General of Bengal. From these publications we learn that large sums of money from the revenues were annually supplied for purchases of investments for Europe and for China. On some occasions the Court of Directors were so anxious to procure investments from abroad, that they directed their governments in Bengal, not only to purchase to a large amount, but to send home goods, even though those goods might be attended, upon the sale of them in this country, with actual loss. Ever since the year 1793, regular accounts have been laid before parliament similar to the one I have now under examination; and in the year 1813 I published a small work containing an analysis of those accounts, in which it appeared to me to be made out unanswerably that the excess of charges from 1793 to 1808-9 would in no degree account for the increase

* See post, p. 630, Paper A.

of the Indian debt. It therefore followed that if the principal of the Indian debt was not incurred on a political account, the interest on the debt ought not to be inserted as a territorial charge. The sum of interest paid on debts for that period was £20,083,569, whilst the net increase of debt for the same period was £20,905,194; it therefore took the whole sum of borrowed money or principal to pay the interest alone during the period in question. The way in which the debt has occurred is simply this: the governments abroad, in execution of the instructions they received for the purchase of investments for Europe and China, send orders upon the revenue treasuries of different parts of the country in favour of the commercial residents, to the amount of several lacs of rupees, to be applied as required in the purchase of goods; this revenue being abstracted from the territorial funds, when wars occur in India there is a deficiency for the expences of those wars, and then loans are recurred to to supply that deficiency; but the deficiency having occurred in consequence of previous advances being made to the commercial department, it is clear that the commercial department ought to bear the burden of that loan, and not the territorial. If therefore the principal of the debt does not appertain to the territorial head, it is quite clear that the interest on those debts ought to be similarly excluded from this account; and if the sum total of that column be deducted from No. 2, it will leave an actual surplus on this account of £16,743,410, besides other items.

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4661. Putting the debt entirely out of the question, during a long series of years, does it, upon the accounts of the East-India Company themselves, appear throughout that the revenue has exceeded the charge, notwithstanding the expence attendant upon wars?—If the debt is excluded from this account, it is quite clear that there has been a surplus, after paying all the territorial charges in England, from the year 1809-10 to 1827-28, of the sum I have just mentioned, together with other items, which in the way of adjustment would also attach to this account. As regards the former period, I have also shewn in another place that a large surplus existed.*

4662. In your opinion, is the debt solely or principally incurred by losses upon remittances?—The only reference to be drawn from this fact is, that the whole debt must be commercial, and therefore partly incurred from the manner in which remittances to this country are made.

4663. In your opinion, is a loss upon remittance by investment, rather than by bill, to be charged upon commerce and not on territory?—Certainly, upon the commerce, in as far as the advance is made for commercial purposes.

4664. Could the territorial charges incurred at home be re-

* See post, page 631, Paper B.

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mitted without loss in any other manner?—I conceive there can be no difficulty at any time in making a remittance in bills, and more especially if the whole trade were in the hands of private merchants.

4665. Have there not been periods in which the loss upon remittance by bills would have been very great?—On the contrary, the remittance to this country, up to the year 1817 or 1818 has been very favourable; since that the exchange has fallen to rates bordering upon the real par, and is now regulated by the same rules and laws which govern exchanges with every other part of the world where commerce is free.

4666. Have you endeavoured to form an opinion as to what the exchanges would have been if the remittance of those large sums had throughout taken place by bills?—If the trade had been as free as it is now throughout the whole period here adverted to, there can be no doubt that the exchange would have been regulated upon the same principles which now operate upon it.

4667. You are aware that in the year 1813, by the Act of Parliament establishing the present charter, a separation was established between the commercial and the territorial accounts of the Company?—I have understood that it was so. I have read the Act of Parliament; but I understand there was a paper prepared and printed, containing the principles upon which the separation was ordered to take place; that paper I have not seen; it has never fallen into my hands.

4668. Are you not aware that previous to the year 1813 the commercial and territorial accounts were confounded, and that subsequently to that period they have been separated, under the Act of Parliament? —The Act of Parliament requires separation of the territorial and commercial account ever since the year 1813, but there has been no such thing as a satisfactory commercial account laid before the public from that time down to the present.

4669. Are you not aware that by the Act of Parliament the Company can only take from the territory sums in repayment of sums paid by the commerce for the territory in this country? —The Act of Parliament requires advances to be made in India sufficient to cover territorial payments in England; but it does not, as I conceive, restrict advances absolutely to that limit, and they would accordingly appear to have considerably exceeded it.

4670. Do you mean that the advances in India have been larger than the advances for the territorial purpose in England? —Yes; and here is an account before me which shews it.

4671. Are you not aware that if that has been the case both the Directors of the East-India Company and the Board of Controul must have violated the Act of Parliament?—That is

not for me to answer; as a matter of opinion, I should say not; but in allusion to the fact itself, here is an account, No. 13, of the Papers relating to the Finances of India and the Trade of India and China, in which it is stated that the total amount of advances made to the several presidencies and settlements in India, for the purposes of commerce, in so far as regards the purchase of investments to Europe, amount to £30,545,069 from 1814-15 to 1826-27, of which £24,338,050 were sums in repayment of territorial charges defrayed in England; whereas in the Account No. 2 the territorial charges paid in England amount only to £18,833,065, leaving therefore an excess of advance to the amount of £5,504,985.

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4672. Are you aware that the interest of the Indian debt is first charged in the Indian accounts as a debt incurred in India, and that sums are set apart in India, in the account, to the payment of that interest; but that a very large portion of that interest being in fact paid in England, the funds for the repayment to the Company of that interest in England are remitted in addition to such funds as are necessary for the repayment of those charges which appear as territorial charges in this account? —That beyond doubt is the state of the case, as the accounts are now arranged; but if the whole revenues of India really yield a surplus over and above the actual charges, it appears to be of little consequence, as regards that surplus, whether those charges be wholly paid in India or partly in England; whilst, as to interest on debt, that should only be paid, in my opinion, out of that fund to which the principal fairly belongs.

4673. That is on the supposition that you are correct in considering that debt as a commercial, not a territorial debt?—Of course.

4674. You have stated that the sums issued in India for investments being issued for general purposes, and the issuing of those sums making such a deduction from the revenues of India as occasions an increase of debt for the paying of current expences, particularly in times of war, that debt so incurred should be considered as a commercial, not a territorial charge, inasmuch as it is incurred for making good the deficiency occasioned by investments for commercial purposes?—I conceive that to be the case; on the supposition, always, that there is that real surplus revenue which these accounts appear to exhibit.

4675. If, however, this opinion of yours be correct, that those investments in India are made for commercial purposes, still would not an excess of debt incurred in a number of years, beyond the sums issued for investment, be still chargeable to the territorial revenues? For instance, if two millions were issued in any one year for commercial investment, and a debt of four millions be incurred, would not two millions of that four be

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charged to territory, and the other two, being required to make good the defalcation of revenue, in consequence of the commercial investments, be also charged to territory?—The question I presume supposes that a loan of four millions was necessary for the purposes of the state; two millions to meet local expenses, and two to cover territorial charges in England by investment in goods. But on the presumption of there having been a surplus revenue throughout the whole of the period here adverted to, there would have been a sufficiency of territorial funds to have answered the whole expenditure of four millions, without the necessity of a loan; it therefore follows that all borrowing in such a case is or ought to be considered purely commercial.

4676. In that answer you first suppose that there has been a territorial surplus, at which supposition you only arrive by striking out the whole interest of the debt from the charge on the territory of India; then you say, that there having been this surplus, at which you only arrive in that manner, all debt incurred must have been for commercial purposes?—I think I have clearly proved, in the publication before referred to, that there was a surplus revenue in India to a very large amount between the years 1793 and 1808-9. If then that surplus revenue really existed, what I contend for is, that there could have been no occasion for borrowing money for political purposes: and consequently, that if the principal of the loans in India does not attach to the territorial department, neither can the interest upon those loans; and these are the grounds which induce me to think the interest on debts should also be excluded from the Statement No. 2 now before me.

4677. You have been asked whether you are not aware that previous to 1813 the commercial and territorial accounts were confounded, and that therefore it was extremely difficult to discover what was the actual surplus of territorial revenue, what portion of the investment proceeded from the application of commercial funds, and what portion from the application of territorial funds, in repayment of territorial advances?—As the accounts now stand, there is some difficulty in separating the territorial from the commercial departments; but the territorial accounts, being the simplest, are more capable of being analysed than the commercial: and according to the view which I have taken of the revenue accounts, particularly of this Account, No. 2, which is in fact a cash account of receipts and disbursements, the surplus which I have contended for clearly exists. It might be shewn or corroborated by other statements prepared also from these accounts. I hold one in my hand, a statement taken from the accounts contained in this collection, which I think strongly corroborates my view of the Account No. 2; but it is not sufficiently precise to be considered as a perfectly accurate statement, inasmuch as it admits of various adjustments, but it will serve to show, as a general result, that there has been

throughout the whole of the period adverted to, from 1793 to 1827-8, inclusive, an increase of debt far beyond what can be accounted for by the excess of political charges. In this Statement I take the accounts as they are exhibited in this collection, and without making any deduction on account of the interest on debts; and it stands as follows:

On the 30th of April 1793, the Indian debt is stated in Appendix No. 7 to the Second Report of Select Committee, to have been £7,971,655
Ditto ......1809......ditto......as per ditto 30,876,788

Net increase 22,905,123

Whilst the excess of political charge, as per No 6 of Appendix to the same Report, and No. 11 of the Third Report for the same period, was only £5,078,015

And the political charges paid in England, as per No. 46 of Appendix to Third Report, (the Committee, however, doubting whether the whole were properly chargeable to the territorial head,) 6,138,418

11,216,463

Difference to be accounted for £11,688,660

So that the amount of loans had exceeded the total amount of surplus charges during that period in no less a sum than £11,688,660. This is the result of the official documents referred to, without a single deduction on account of interest, or of any other charge contained in the official documents. Again:

On 30th April 1827 the Indian debt is stated, in No. 4 of Papers relating to the Finances of India, &c. February 1830, to be £42,870,876

Making, therefore, the increase of debt since 1793 ... £34,899,211

Now, as the surplus charge from 1809-10 to 1826-27, as per No. 2 of the same Papers, &c., is only £13,589,894

And the surplus charge of the former period, as above 11,216,463

24,806,367

There is still a difference to be accounted for of £10,092,854

That is, the difference by which the increase of the debt in India has exceeded all the political charges included in these official documents.

4678. That is taken from the accounts of the East-India Company?—It is.

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4679. Your own view, and your own statement, go much beyond that?—They do; for this is a surplus, after paying the whole interest, together with every other charge claimed to be political; whereas if the column of interest were excluded from the account the surplus would be much greater.*

4680. You are aware that when the territorial and the commercial accounts were separated, it was understood by the Board of Controul that the debt of India was a charge upon the territory; but it never was determined, nor has been to this day, whether the bond debt in England is a commercial or a territorial debt, or in what proportions to be divided between those two accounts, the Company declaring that the loss is chargeable to the territory, it having been held by the Board that if not the whole certainly a portion is chargeable to commerce?—I am aware that it is so stated in memoranda appended to accounts, but the interest on bond debt is nevertheless included in the Company's accounts under the head of "Commercial Payments;" and if my view of the Company's accounts be correct, and there be that surplus revenue which appears to me to be the case on a careful examination of these documents, then the whole of the debt both at home and abroad must be commercial, and can be nothing else.

4681. You only arrive at that surplus revenue by taking it for granted that the whole debt is a commercial debt?—I do not exactly take it for granted, because I think I have proved in the publication before referred to, and in the analysis which I hold in my hand, as well as of the Account No. 2 as of the former period, that there has been a large surplus revenue exhibited by the public accounts since 1793 to the present time.

4682. Are you aware that it has been stated to this Committee that the average out-turn of the rupee remitted in goods, deducting interest, since the commencement of this charter, has been 2*s.* 2*d.* $\frac{60}{100}$; and that the rupee, if it had been remitted in bills at a mercantile rate of exchange drawn from Calcutta, deducting twelve months' interest, included in the rate, would have been 2*s.* 1*d.* $\frac{69}{100}$; that the difference therefore in favour of remittance in goods is 1*d.* the rupee; and that the advantage derived by the Company since the commencement of the charter from remitting in goods rather than merchants' bills is £800,660?—I am aware that a difference has been calculated in reference to the exchange, but I cannot say from recollection what that difference amounts to, upon the whole of the Company's remittances from India.

4683. Have you yourself looked at the rates of exchange which have prevailed since the commencement of the charter, and formed any statement of the average rate which has prevailed since that period?—I know what the average rates of

* See post, page 632, Paper C.

exchange have been since the commencement of the present charter; and from examining such of the Company's accounts as are in print, I perceive the rates of exchange at which the Indian currency is therein converted into sterling money; I am fully aware that those rates exceed the established or ordinary rates of exchange between India and England in the latter years, or from the year 1817 or 1818.

4684. Are you not aware that when in evidence the out-turn of the rupee is spoken of in goods, no reference whatever is made to the rate of exchange?—I have always understood that the Company represent themselves as having sustained a considerable loss in consequence of the rates of exchange they are compelled to adopt.

4685. The loss the Company sustain by means of what is called the Board rate of exchange is in the repayment in India to them, for their advances for territorial purposes in this country, of a smaller quantity of money than they would receive if they were repaid at the mercantile rate of exchange at the present time; but that has no reference to the profit or loss in the remittance of their revenue so received by them in India to England in goods; when the out-turn of that rupee is stated, the real result of the mercantile adventure is stated by which that rupee is remitted to this country in goods?—Then the profit or loss sustained on that adventure must be taken into account. The remittance, when made in goods, must be profitable to yield them a better rate of exchange than the ordinary rate; but I have no knowledge of this being the case.

4686. When the out-turn of the rupee is spoken of as remitted in goods, no reference is made to the rate of exchange; it is considered to be one transaction, the remittance of the rupee to England in goods; and when the Company speak of the general effect of their operations, as persons advancing here from commercial funds to the territory, and receiving repayment in India at a fixed rate of exchange below the mercantile rate of exchange; in looking at the whole of their transaction, beginning in this country with the advance to territory, and ending in the repayment in England according to what may be the out-turn of the rupee, in that respect the rate of exchange is undoubtedly taken into calculation?—I do not exactly understand the difference, or how the Company in this respect arrange their accounts.

4687. Are you aware that there are two transactions before the Company receive payment in this country of what they advance from commercial funds in this country for territorial purposes; that the first transaction is the advance in this country of its funds, and the repayment in India of those funds by the territory at a fixed rate of exchange; that at present upon that first transaction there is considerable loss, the Board rate of

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exchange being much more unfavourable than the mercantile rate of exchange? Then the second transaction consists in the remittance to England in goods or in bills of the sums received by the Company in India from the territory, in repayment of those advances made on the territorial account in England. On that second transaction there may be a loss, or there may be a profit; but in considering the result of that transaction it is not necessary to look at the first transaction, which terminates in the repayment in England of the sums advanced here for the territory; but that the Company, when they look at the whole result of the account, beginning with the advance in this country of the funds for territorial purposes, and ending by the repayment in this country of the sums so advanced, must undoubtedly place against whatever profit they may make by remittance to England and repaying goods, whatever loss they may sustain by the unfavourable rate of exchange in the first transaction; or, if there be loss in the second transaction, to that loss they must add the loss sustained in the first?—In the way in which the accounts are now stated to be kept, the loss on the first transaction adverted to in the question would appear to be sustained; but, according to my view of the case, the advances for territorial charges in this country are made in the first instance out of the revenues of India, and remitted in the shape of goods to this country; as to which mode of remittance there has been sustained a considerable loss also, as certified in No.   of "Accounts and Papers, March 1830." I should however consider the whole as one transaction, for which commerce receives advances in India at certain rates of exchange; and if the Company have chosen throughout the whole of the period of their last charter to make their remittances in goods, notwithstanding the obvious losses which they have sustained in each year, as well in exchange as by the sale of goods in this country, they must be content to bear that loss, more especially as the law leaves the mode of remittance optional with themselves. It cannot, in my opinion, at all attach to the territorial account, where I know it is wished to affix it.

4688. Are not those funds which are produced in this country by the remittance of goods purchased by payments in India by the territory in repayment of advances made by the commerce in this country for territorial purposes, properly commercial funds?—The accounts are so stated, I am fully aware; but my belief is, that those funds are not the result of actual commercial capital, but wholly supplied from the revenues of India in the first instance; in other words, that the revenue supplies the commerce with the means of carrying on all its commercial transactions.

4689. That is, by repayments?—For every purpose, including the charges incurred in this country.

4690. Do you suppose that the Company never made an

advance for territory from commercial funds?—It really does not appear from these accounts that they have; that is, from funds arising out of a real circulating commercial capital.

4691. In what manner must their advances for territorial purposes have been originally made, when, being a commercial body, they assumed the character of a power in India?—There are several authentic publications extant to prove that the Company's trade was most amply if not entirely supplied with funds from the revenue ever since their acquisition of power in India, or from the first of the Dewanny grant in Bengal. I conceive, therefore, that the whole of their original commercial capital is now either dissipated or fixed in buildings and other articles of dead stock; and that the whole of the active capital for commercial purposes is from year to year supplied by the revenues of India, and the revenues alone.

4692. Are you of opinion that the Indian trade, previous to 1813, was an unprofitable trade?—Quite so.

4693. That the China trade was equally so?—The whole trade taken together I believe to be unprofitable. I have an account before me for the year 1828-29, lately printed, which clearly shews it.

4694. That those two trades have been constantly unprofitable?—Yes; and the fact may be further inferred from the East-India Company having never furnished yet to the public such an account as I think the public has a right to expect of the out-turn of their commercial operations. There is in fact no commercial account of the Company's before the public that can satisfy a merchant of the result they contend for, or the realization of actual commercial profit.

4695. If that be the case, how do you arrive at the conclusions you do upon the subject?—I speak of the commercial accounts as being in so obscure a state that no satisfactory result can be drawn from them; but from the revenue or territorial accounts I think a more satisfactory result can be drawn; and the result which appears to me to be the only one deducible from the printed revenue accounts is the one which I have this day given to the Committee.

4696. If previous to the year 1813 the commercial accounts of the Company were unintelligible, and were at the same time mixed up with the territorial accounts, before the separation of the two accounts under the Act of 1813, must not the whole account be unintelligible, and must it not be impossible to come to any correct conclusion upon those accounts?—This account, No. 2, is a clear account as far as it goes; it is a cash account of actual receipts and disbursements, and all I should say with regard to this account is, that it does not contain all the receipts which it ought to contain for the purpose of this inquiry, and therefore does not exhibit so large a surplus as might be deduced from it under certain adjustments. I should

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make the same remark in respect to a similar account which was laid before the Select Committee of the House of Commons of 1810, extending from the year 1793 to the year 1808-9, inclusive. That account, as well as the one now before me, was an actual cash account of receipts and disbursements, and the result of it was precisely that which I have already explained.

4697. What receipts are there which in your opinion ought to have been entered into this account which are not here?—In the account No. 2, there is a note referring to the year 1822-3, stating, "in this year the balance of the loan of £2,500,000 obtained from the public in 1812 was discharged, which amounted to £557,335." Now it appears from an Act which I hold in my hand, the Act of 3d George the IVth, chapter 93, that this was a loan made to the East-India Company in the year 1812, and that in 1822-3 this loan was reduced by sundry payments to £1,857,322, and that it was discharged partly by a claim on the part of the Company against the Government to the amount of £1,300,000 for sundry expences incurred by them on account of his Majesty's Government in India and at St. Helena, when the balance, or £557,335, was paid in cash, and therefore included, as well as the former sum, under the head of the charges of this account. If then the whole of that loan was liquidated, as would thus seem to be the case, by charges contained in this account, it is but fair that the account should also have credit for the sum borrowed; whence, if this £2,500,000 be added to the receipts, it would make the surplus so much larger.

4698. Does it appear that this account contains in any one year a statement of the sum raised by loan either in India or in England?—That is precisely the defect. I think it ought to contain the receipt of that £2,500,000 in 1812, since the liquidation of that loan appears to be contained in these charges, or else that portion of the charges should be deducted.

4699. Will you refer to No. 20 of the accounts, and state whether the receipt of that sum of £2,500,000 does not appear, as a loan from the public, in the year 1822-3, as one of the receipts?—It appears in that account as a loan in 1812; it is also continued in the Accounts Nos. 21 and 23, throughout the years 1815 to 1822 inclusive, when it appears to have been finally discharged in the way I have just mentioned; but the discharge of it being included in the political charges of the Account No. 2, it appears to me that the original sum ought similarly to be included in the receipts.

4700. Do you not find, on referring to No. 2, that that is a statement of revenues and charges of the several presidencies of India, and that the Account No. 20 is a general statement, showing the amount of the proceeds of the sales of goods and merchandize of the East-India Company in Great Britain, and of

their commercial and other receipts, charges, and payments in Great Britain?—Yes, those are the headings of the accounts.*

4701. If the receipt could not have appeared under both those accounts, the one referring to European and the other to Indian receipts, the payment appearing in the Indian payments, inasmuch as it must have been a remittance from India to discharge a debt incurred in England, yet if the receipt could not appear under receipts in No. 2, ought the charge, in your opinion, to be included in No. 2?—I think the charge should not be included; or, if it is, that the receipt should also be included.

4702. Does it appear to you that there are any items of actual receipt not from loan which are not brought into this account? —I was going to explain two other items, which may be said to have been omitted, or rather which may fairly be added in the way of adjustment, in this account No. 2; the one is referred to in the following note; referred to from the year 1823-4: "If the sum paid to the Nizam in this year for the redemption of the Peshcush were excluded, there would be shewn a surplus revenue in 1823-4 of £173,722." This peshcush or tribute, payable annually to the Nizam, was bought up in the year 1823-4 for a sum of money equal to sixteen years' purchase, or £1,201,201, as exhibited in the account No. 2, B. It would be perhaps more correct to spread this sum of £1,201,201 over the sixteen years instead of placing it all into one year at the end of the account No. 2, so as thereby to magnify these charges; I admit nevertheless that it was a cash payment made in that year, and therefore I would not contend for any sum on this account being absolutely added to the surplus; but if it were so spread over the sixteen years to which I refer, there would then only be a portion of it chargeable to this account No. 2, whilst £840,841 would remain to be placed to the account of subsequent years; this therefore may be either omitted or included; I merely remark upon it here, to explain the memorandum, and the nature of this particular item of charge; but there is another sum adverted to in these accounts, which is a loan from the Nabob of Oude in 1815-6 of £1,109,975.

4703. Where does that appear?—That will be found to be more particularly explained in No. 1, A. This sum, as stated in the note to the account No. 1, A., "was commuted for territory by the treaty of 1st of May 1816; the amount may therefore be considered as a deduction from the charges of the war against Nepaul, from which state the territory was conquered, and as increasing the Bengal surplus revenue to £3,051,442," instead of £1,941,467 given as the surplus of that year. Now as that sum of £1,109,975, or the equivalent thereof, is obviously included in these charges also, inasmuch as it constitutes a portion of the expences of the Nepaul war, so I

* See post, p. 633, paper D.

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think ought the sum itself to be included in the receipts. These are items which present themselves on the face of the accounts before me; there may be others which would admit of being added to this account in the way of adjustment, but of which I have no knowledge from official documents; but according to the analysis which I have just given, in of this account, the total actual surplus for the nineteen years included in it would amount to £21,194,226, if the whole adjustments be admitted, or to £17,853,385, if Nos. 1 and 2 be excluded.

4704. You have stated that the Commercial Accounts of the East-India Company are so kept as to give no intelligent results; could you give the Committee the form of an account which, if filled up from the documents in the India-House, would give that intelligible result?—I could not do that here; it would require some time to consider the form and matter of an account of such complicated commercial transactions as those of the Company appear to be; but if the books at the India-House are kept as the accounts of mercantile establishments generally are, there can be no difficulty in making out such an account.

When I was last before the Committee, having urged in my statement respecting the revenue system of India the great importance of particular attention, as well to its principles as to its effects, I could wish, with permission, to say a few words in addition to my former evidence on this subject.

The matters requiring most attention, as regards the revenue systems, may be classed under the following heads:—First, our revenue systems owe their origin to laws and principles peculiar to our predecessors the Mussulmans, according to which the ruling power assumes the right of being acknowledged sole proprietor of all the lands in his dominions: secondly, as a merciful consideration for saving the lives and granting freedom to conquered subjects, the Mussulmans also enacted, that one-half the gross produce of the soil should be the share of the sovereign; in the enforcement of which rent and revenue came to be confounded, and the whole class of landed proprietors, properly so called, annihilated, or reduced to beggary, or to become cultivating tenants, or labourers, on their own estates: thirdly, that the Company's government adopted these principles on succeeding to the Dewanny in Bengal in 1765, as well as in other provinces of India which have since submitted to our arms, without however attaching to them the condition of either loss of life or of personal freedom: fourthly, that half the gross produce of the soil of extensive dominions being utterly incapable of ascertainment, the imposition of such a rate as a land tax could never be otherwise than unequal in the extreme, and the collection of it arbitrary and vexatious: fifthly, that the extreme pressure of this exorbitant revenue has for ages kept down, and still keeps down, the great mass of the native inha-

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bitants in the lowest stages of poverty and ignorance: sixthly, that hosts of native servants in subordinate situations, and with low salaries, are necessarily employed to collect this most oppressive and unequal tax, whose acts no vigilance on the part of Collectors or Judges has hitherto been able to controul, and whose extortions on private account, in addition to the public revenue, add irremediably to the wretchedness and poverty of the people: seventhly, that besides the excessive pressure of this tax, government, in the exercise of its sovereign proprietary right, has transferred by free grant in some instances, and by sale in others, vast tracts of country from its ancient hereditary possessors to persons named Zemindars; i. e. collectors, and to absolute strangers, which the ousted lawful proprietors consider, in their present state of habitual poverty, to be a greater calamity even than the tax itself.

Of these facts abundant proofs are now extant in various authentic writings, and more especially in four folio volumes of Revenue and Judicial Selections from Indian Records, printed by the Court of Directors, and liberally circulated for the use of their servants abroad; and were I to quote what these volumes contain in evidence on the subjects adverted to, it would only be to fill another. I shall therefore confine myself to a short remark on the last head, as connected with other parts of my former examination. When the zemindarry settlement was introduced into Bengal, the lands were made over in full proprietary right to Zemindars, hereditary collectors under the Mussulman administration, from our being then ignorant that actual proprietors existed, called in Bengal village Zemindars, cultivating Zemindars, village proprietors, &c. Subsequent inquiries, however, have brought to light that these proprietors had managed to preserve a record or undisputed tradition of their rights throughout all the rigour of eight centuries of Mohammedan sway; but from the degraded state to which these proprietors under the operation of the revenue system were reduced in 1793, they were overlooked, and their lands transferred in perpetuity to others. My Lord Hastings, then Lord Moira, on a tour of inspection through the inner provinces, expresses himself on this head in the following terms: "Within the circle of the perpetual settlements the situation of this unfortunate class is yet more desperate; and though their cries for redress may have been stifled in many districts by their perceiving that uniform indisposition to attempt relieving them which results from the difficulty of the operation, their sufferings have not on that account been the less acute. In Burdwan, in Behar, in Cawnpore, and indeed wherever there may have existed extensive landed property at the mercy of individuals (whether in farm or jaghire, or talook or zemindarry,) of the higher class, complaints of the village Zemindars have crowded in upon me without number, and I had only the mortification of finding that the existing system established by the legislature

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left me without the means of pointing out to the complainants any mode in which they might hope to obtain redress. In all these tenures, from what I could observe, the class of village proprietors appeared to be in a train of annihilation, and unless a remedy is speedily applied the class will be soon extinct. Indeed I fear that any remedy that could be proposed would even now come too late to be of any effect in the estates of Bengal; for the licence of twenty years which has been left to the Zemindars of that province will have given them the power, and they have never wanted the inclination, to extinguish the rights of this class, so that no remnants of them will be soon discoverable." In like manner, the Commissioners of the Ceded and Conquered Provinces, speaking of those persons, remark, "The whole of this valuable class of landholders may be considered to be extinct in the lower provinces, in consequence of the interpretation put on the title of general Zemindar, who was considered, by the terms of the permanent settlement, as the universal proprietor of the soil, and the fountain from which alone any other person could derive a property."—Beng. Rev. Sel. vol. I. p. 361—371.

It is no doubt known to several noble Lords of this Committee, that village communities and other associations exist among the natives to which particular rights and privileges attach. Among others, the lands belonging to villages are either a joint property or divided into separate estates. These proprietors in the upper provinces of Bengal are called Malguzars. In the settlements for the revenue the head man of the village, or Sudder Malguzar, is treated with and made responsible for the whole amount. These joint or village properties have consequently been treated in many instances as one estate, and in the event of the Sudder Malguzar failing in his payment, the whole village is sold to make good arrears; all the joint or minor proprietors, the innocent and the defaulters, suffer together; their ancient hereditary properties are lost to them, and made over, for a price, generally to a stranger, by whom the real landlords are then considered in no better light than mere tenants at will. Now, my Lords, it is impossible that acts of this kind could have occurred, and they have unhappily been but too frequent, had we been better acquainted with native usages, institutions, and rights—had our intercourse with the natives been more intimate—or had natives of respectability and character occupied situations to enable them, either by conveying information, or in the exercise of their official functions, to check such proceedings. But these matters, with many others of a like import, have strongly impressed on my mind the necessity of native co-operation and aid, if we really mean to improve the state of India and the condition of its people. At all events, the experiment may be worth trying, since all other means devised by the ablest of our European public servants have hitherto proved unsuccessful.

I was also asked, whether I could suggest any remedy for the evils complained of in the revenue administration; on which head I could not but feel diffident, as I still do, to offer suggestions, where so many abler persons have decidedly failed. One of the great objections to our revenue systems, as I then observed, is the extreme inequality with which an almost intolerable tax presses on the great body of the community. There are instances on record of large fortunes having been made by Dewans, Serishtadars, &c., in consequence of fraudulent and partial assessments; the many are thus overloaded with taxation to favour the frauds and corruptions of a few; and the continuance of these practices is not a little promoted by the utter despondency into which the ryots are thereby plunged. Its effects cannot be better described than in the words of the late Sir Thomas Munro:—"It is," he says, "well known that the great body of the ryots will submit to extra assessments as long as they can pay them, rather than seek redress from the courts. There cannot be a stronger proof in support of this observation than the occurrences in Coimbatoor for some years past; where, though at least 30,000 ryots have paid extra assessments, and numbers have been compelled to part with their sheep and cattle without compensation, very few of all this number, probably not twenty, have ever sought redress from the Zillah Court, though the Judge is acknowledged to be a most active and zealous public servant. It is therefore impossible to resist the conclusion that our institutions are inefficient, and that the same abuses, to a greater or less extent, must prevail in every province under this government." All I would venture to add on this subject is, that through the medium of village communities and other local associations, and with the co-operation and aid of respectable natives, employed and controlled as before suggested, it is hoped that some equalization of the assessment, as well as some mitigation at least of the other evils of our revenue system, may be effected; but I must at the same time confess that I should be apprehensive neither this nor any other series of measures will succeed, unless confidence can at the same time be generally inspired that the land-tax or aggregate amount of land revenue will never be raised on the inhabitants, but, on the contrary, gradually reduced.

4705. Have any circumstances lately come to your knowledge which induce you to think that a more extended residence of Europeans in India would be agreeable to the well-informed natives, and be considered by them of advantage to the country? —There have, since I was examined on a former day. The circumstances I allude to are facts which two natives of rank and intelligence are reported to have attested as the result of their own personal observation; and as facts are of more importance than reasoning, I would beg leave to submit them, as a better answer to the question than any opinions of mine.

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They may perhaps be the more deserving of your Lordships' attention, from the very uncommon circumstance of their having been detailed in elegant English speeches delivered by the natives in question at a public meeting of the inhabitants of Calcutta, on the question of petitioning Parliament with reference to the discussions pending in this house. One of them, Dwarkanauth Tagore, said, "With reference to the subject more immediately before the meeting, I beg to state that I have several zemindarries in various districts, and that I have found the cultivation of indigo and residence of Europeans have considerably benefited the country and the community at large; the Zemindars becoming wealthy and prosperous; the ryots materially improved in their condition, and possessing many more comforts than the generality of my countrymen where indigo cultivation and manufacture is not carried on; the value of land in the vicinity to be considerably enhanced, and cultivation rapidly progressing. I do not make these statements merely from hearsay, but from personal observation and experience, as I have visited the places referred to repeatedly, and in consequence am well acquained with the character and manners of the indigo planters. There may be a few exceptions as regards the general conduct of indigo planters, but they are extremely limited, and comparatively speaking of the most trifling importance. I may be permitted to mention an instance in support of this statement. Some years ago, when indigo was not so generally manufactured, one of my estates, where there was no cultivation of indigo, did not yield a sufficient income to pay the government assessment; but within a few years, by the introduction of indigo, there is now not a bega on the estate untilled, and it gives me a handsome profit. Several of my relations and friends, whose affairs I am well acquainted with, have in like manner improved their property, and are receiving a large income from their estates. If such beneficial effects as these I have enumerated have accrued from the bestowing of European skill on one article of production alone, what further advantages may not be anticipated from the unrestricted application of British skill, capital, and industry, to the very many articles which this country is capable of producing, to as great an extent and of as excellent a quality as any other in the world, and which of course cannot be expected to be produced without the free recourse of Europeans!"

The other was an individual whose name is well known in the country, the celebrated Rammohun Roy. He is reported to have said, "From personal experience, I am impressed with the conviction, that the greater our intercourse with European gentlemen the greater will be our improvement in literary, social, and political affairs: a fact which can be easily proved by comparing the condition of those of my countrymen who have enjoyed this advantage with that of those who unfortunately have not had that opportunity; and a fact which I could to the

best of my belief declare on solemn oath before any assembly. I fully agree with Dwarkanauth Tagore in the purport of the resolution just read. As to the indigo planters, I beg to observe, that I have travelled through several districts in Bengal and Behar, and I found the natives residing in the neighbourhood of indigo plantations evidently better clothed and better conditioned than those who lived at a distance from such stations. There may be some partial injury done by the indigo planters; but on the whole they have performed more good to the generality of the natives of this country than any other class of Europeans, whether in or out of the service." 28 May 1830. R. Rickards, Esq.

The facts contained in these addresses completely verify what I ventured to predict in 1813, as to the effect which the opening of the trade to India would have in lightening the pressure of the zemindarry tax. The speeches may also be taken as a specimen of what the natives are capable, and received in connection with the recommendation I have taken the liberty to offer for a more extended employment of them in high and responsible offices. In forming my opinions on this head, I have not disregarded those of an opposite tendency by distinguished public servants in India, whose experience has led them to think differently of native probity and efficiency; but whatever faults or defects may be observed in them now, from long-continued habits arising out of the nature of the government by which they have been ruled, I am persuaded, that when our intercourse with the natives is more intimate—when high offices are opened to their ambition, and seminaries for their improvement—when enviable distinctions are found to be the reward of talent and integrity, and shame or punishment to be the end of vicious conduct—character will become of greater value among themselves; neither can I perceive any just grounds for apprehending why the same causes, the same hopes and fears, which generate high principles in other more enlightened societies, should fail, under like circumstances, equally to influence the conduct of native Indians.

The witness is directed to withdraw.

Ordered, That this Committee be adjourned to Friday next, one o'clock.

Note.—On Friday, the 4th of June, the Lord President read to the Committee the following letter, which he stated he had received from Mr. Rickards, with his evidence revised, and the papers subjoined:—

MY LORD, 54, Wimpole Street, 3d June 1830.

I have the honour to return my evidence before your Lordships' Committee on the 28th ultimo, corrected; and regret that ill health has prevented my doing it sooner. The same cause obliges me, under the most positive injunctions of my physician, to retire from all business or occupation of a laborious or exciting nature; and as this will necessarily prevent my attending the Lords' Committee, or that of the House of Commons, for further explanation, I have been anxious to render my present evidence as complete and explanatory as the

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state of the Company's printed accounts will admit. The importance of the question here discussed renders indeed a full explanation quite indispensable. I have been accused, but unjustly, of hostility in these discussions to the East-India Company; whilst my feeling is decidedly the reverse. In the evidence I have given before your Lordships, and before the Committee of the House of Commons, my sole object has been to convey the conviction of my own mind that the Company's trade has been as injurious to themselves as to the British public at large, and the whole of the Eastern world; and that, without commerce, they would be the fittest medium His Majesty's Government could employ for the political administration of India; that in fact their government of India, without the present admixture of commercial objects, would be both profitable and creditable to themselves. Under these impressions, as well as the circumstance adverted to in the beginning of this letter, I have made some additions to my last evidence; but as these additions are merely explanatory, and do not alter in the least, but on the contrary corroborate the only point I was anxious throughout that examination to impress, I should be glad if your Lordships could allow them to stand as part of my evidence on that day. At all events, the explanations now given will lead to the ascertainment (my sole object) of whether there be or be not a surplus revenue in India, a fact which I take to be of vital importance in the present discussions.

I have the honour to be, with great respect,
My Lord,
Your Lordship's most obedient humble servant,
R. Rickards.

The Lord President
of the Select Committee of the House of Lords
on East-India Affairs, &c. &c.

Paper A. [See ante, p. 612].

Analysis of the Account, No. 2, or Statement of the Revenues and Charges of India, &c. from 1809-10 to 1827-28, and contained in the Collection of Papers relating to the Finances of India, February 1830.

In the Columns of the "General Result" the	£.	£.
surplus revenue amounts to	4,036,928	
And surplus charge to	20,181,493	
Apparent charge	16,144,565	
Deduct interest on debts	32,887,975	
And there remains an actual surplus receipt of		16,743,410
Sums which it is conceived may be added to the receipts, to shew the amount of financial resource within the period:		
1. Loan from Government in 1812......................		2,500,000
2. Portion of Nizam's Peshcush not appertaining to this Account, vide No. 2, B.		840,841
3. Loan from the Nabob of Oude in 1815-16, for which he was reimbursed by a territory conquered from the Nepaul state, and which it is admitted, in Account No. 1, A., ought to be added to the Bengal surplus revenue of that year		1,109,975
Total surplus in 19 years.............		21,194,226

[illegible] May [illegible]

[illegible] Rickards, Esq.

Paper B. [See [illegible] p. 618.]

There is another and perhaps a simpler course by which a surplus may be deduced from these accounts. The statement No. 2 now before me is a regular cash account of territorial receipts and disbursements. If then it be insisted on that the debt is only political, and incurred to defray political charges, it is but fair that the account which bears all the charges should likewise have the benefit of all the receipts; in other words, that if the account is credited with the interest paid on loans, it should also be debited with the principal, or the amount received. With this adjustment, the account would then stand thus:—

	£.	£.
On the 30th April 1793, the Indian debt is stated, in Appendix No. 7 to the Second Report of the Select Committee of the House of Commons of 1810, to be	7,971,665	
And on the 30th April 1827, it is stated, in No. 4 of Papers relating to Finances of India, &c. February 1830, to be	42,870,876	
Increase of debt, or money raised on loan, during the period..		34,899,211
Deduct the surplus charges during the period as follows:—		
Excess of political charges from 1792-93 to 1808-9, as per No. 6 of Appendix to the Second Report of Select Committee, 1810....	5,078,015	
And the political charges paid in England, as per No. 46 of Appendix to Third Report ..	6,138,448	
Add,	£11,216,463	
Surplus charge from 1809-10 to 1826-27, as per No. 2 of Papers, &c. February 1830....	13,589,894	
Total of Surplus of charges for both periods		24,806,357
Net surplus........		10,092,854
But the interest on £7,971,665 of debt, which existed previous to the period, should be deducted from the whole charge of interest.		
This may be moderately calculated at 8 per cent. for the whole term, as, during a part of it, it bore 10 and 12 per cent.		
For 35 years it would amount, at 8 per cent., to		22,320,655
Which being deducted from charges, or added, as here, to the surplus, makes the surplus of the whole period		32,413,509

This account admits of adjustments which would probably increase the surplus; but as it stands it is sufficient to prove the fact exhibited in the printed accounts before the public, that for the whole 35 years here adverted to there has been a large surplus of territorial receipts. It is then precisely this surplus which requires to be satisfactorily accounted for; for if it cannot be shown to have been wanted to defray the territorial charges over and above the whole supply from

revenue, the conclusion is inevitable that it must have been absorbed by commerce.

Paper C. [See ante, p. 618.]

In respect to the difference of ten millions to be accounted for in this latter period, there is a curious coincidence in the series of accounts on the table, which, although they do not admit of our deducing from them precise results, still afford data for general conclusions, which, if not correct, must at least be admitted to require explanation.

In No. 21, which purports to be a general statement of receipts and payments, territorial and commercial, in and from the Home Treasury, from 1814-15 to 1828-29, there are two or three striking appearances which deserve attention:—

First—This account contains from year to year the sale proceeds only of goods imported, amounting in the aggregate to		£. 85,459,872
Of which were returned to India in goods for sale and use	£. 14,500,042	
And in bullion	1,899,131	
Total	£16,399,173	

And as the exported goods are known to have sold at a heavy loss, it follows that the difference between the out-turn of their sale and the value of investments for re-consignment to England must have been supplied from the Indian revenues, or, what amounts to the same thing, from loans charged on the revenues.

Secondly—As the total receipts and payments in this account balance each other, with only a trifling surplus at the end of the term of £385,703, it is manifest that the whole sale proceeds of the goods are absorbed in each year in these payments, save the small returns to India above-mentioned, and without any reference to prime cost and charges (freight only excepted); whence it follows that the whole of the investments homewards cannot be supplied from capital, but gratuitously, as would appear, from year to year, out of territorial funds.

But thirdly—The Act 53 Geo. III., c. 155, s. 56, provides, that for payments made out of home funds on account of territorial charges in England, advances shall be made from the revenues of India equal to the payments so made in England, to be remitted through the medium of Europe and China investments, or by direct remittances, at the option of the Court of Directors; but every excess of advance over said payments in any one year shall be taken into account in diminution of the sum to be so applied in the year following. According to this clause, these remittances ought to be accounted for separately from the commercial concern: but they are not. In No. 21 they are blended, that is, the sale proceeds of all the goods supplied both for territorial and commercial purposes are classed under the head of

"Commercial Receipts," which consequently amount in the aggregate to £96,516,263

Whilst the commercial payments are only £58,239,288

Leaving thus an apparent large balance in favour of commerce.

But if a sum equal to the balance of territorial payments for which these goods were in part remitted, and are by law directed to be appropriated, be deducted from the sum of "Commercial Receipts," viz. 37,775,154

It leaves only, as actually applicable to commerce, the sum of £58,741,109

And therefore no more than a bare sufficiency to cover the sum total of commercial payments; whence the prime cost of the homeward goods and charges thereon (freight only excepted) must have been supplied from other funds; and this may possibly account for the excess of loan above specified.

This conjecture is strengthened by reference to No. 13 of this series of papers, wherein the supply for the purchase of investments from commercial funds abroad for the period in question is no more than £6,207,019, whilst the cost of the supplies from Europe is, as above stated, £16,399,173. If then the difference on £10,192,154 be the actual deficit requiring to be supplied for the purchase of return goods on commercial account within the period, it corresponds so nearly with the excess of loan above specified as must be admitted to be at least a striking coincidence.

At all events it will be found, on inspection of this account No. 21, that in every year throughout the period the commercial reports, after appropriating what by law attaches to territorial payments, are wholly absorbed by commercial payments, in like manner as above-mentioned regarding the aggregate. It thence follows, that if the exported goods, whether from delayed sales or charges and losses, &c., or from all together, only produced net during the period £6,207,019, as above, whilst £16,399,173 were required, the difference, or £10,192,154, could only have been supplied by the revenues; and the revenues accordingly falling short to meet political emergencies, loans were raised, which according to usual practice were then charged, but unfairly as I conceive, on the territorial department.

In adducing this coincidence, however, I do not mean to assert that the one ten million accounts for the other; the accounts in each case may be accidental; but the facts from which they spring are corroborative of what may be deduced in various other ways from the official documents before the public; *viz.* that there is and must be a deficit of commercial funds, which the revenues, or loans charged on the revenues, are made to supply; and without which the Company's commerce, as I apprehend, must long ago have ceased.

Paper D. [See ante, p. 623].

My reason for coming to this conclusion it may be as well to explain.

Nos. 20 and 21 are general statements of receipts and payments of

28 May 1830. — R. Rickards, Esq.

the Home Treasury, territorial and commercial. In No. 20 this sum of £2,500,000 is entered as a receipt, together with sundry small payments in redemption thereof. In this account the territorial and commercial branches are not separated, being previous to the commencement of the present charter; but the balance of No. 20 is carried over to No. 21, where the receipts and payments are separated; and this loan is carried forward in each year under the territorial head to 1822-3, when it was finally liquidated; but in this year, although the whole sum of £2,500,000 had been debited in No. 20 as a receipt, the £1,300,000 before-mentioned, forming part of the other sum, is again debited as a receipt in No. 21, therefore a double entry.

But the territorial payments in No. 21 seem to be of the description of those enumerated in former documents as the "Territorial Charges paid in England;" and as the balance of payments for the whole period, after deducting bills for interest and principal of Indian debt, correspond very nearly with the sum total of territorial payments in No. 2, or with as little discrepancy as we find in the other printed statements, with the exception of the years in which bullion is imported from India and exported to reduce the Indian debt, when the greatest discrepancy appears,) I therefore conclude, more especially as the sum total of the thus adjusted payments is greater in No. 2, as well as from the entries above described of the £1,300,000, that the whole of the repayment of this loan is also included in the political charges abroad and at home of No. 2. If it be otherwise, the notes appended to No. 2, more especially when coupled with the explanation of this transaction given in the Act 3 Geo. IV. c. 93, are calculated to mislead. I have therefore been induced to place the sum of £2,500,000 in the analysis as an item to be added to the surplus receipts, subject to further explanation.

It will be obvious too, on inspection of the analysis, that the adjustments marked 1, 2, and 3, are only intended as additions to the receipts, for the purpose of ascertaining the real state of the Company's financial resources during the period.

Die Veneris, 4° *Junii* 1830.

The LORD PRESIDENT in the Chair.

PATRICK KELLY, LL.D., is called in, and further examined as follows:

4 June 1830. — P. Kelly, LL.D.

4706. HAVE you completed the calculations you were directed to make for this Committee?—I have.

4707. Are those the calculations you have in your hand?—They are.

Have the goodness to deliver in the same.

The witness delivers in the same, and they are read as follow:

4 June 1830.

P. Kelly, LL.D.

A STATEMENT showing the Cost per Pound of the Samples of Tea received by the Commissioners for the Affairs of India from His Majesty's Consuls, and the Value affixed to the respective Samples by the London Tea Brokers.

The wholesale Prices are adopted exclusive of Government Duties, the Foreign Weights are converted to English Avoirdupois, and the Foreign Monies reduced to Sterling, according to the intrinsic Par of Exchange, computed in Silver at 5s. 2d. per oz. British Standard.

	Consul's Number.	Number affixed at the India Board.	Cost Price Abroad.			Value affixed by the London Brokers.	
HAMBURGH.							
Twenty-six Samples:			s.	d. q.	dec.	s.	d.
Bohea	1	1	0	7¼	·54	1	4
Ditto	2	2	0	9½	81	1	4½
Congou	3	3	1	0¼	·42	2	1½
Ditto	4	4	1	4¾	·30	2	6
Campoi	5	5	1	0¼	·42	2	1
Ditto	6	6	1	3¾	·08	2	0½
Souchong	7	7	0	8¾	·76	No price: unfit for use.	
Ditto	8	8	1	0	·54	2	0½
Ditto	9	9	1	8	·85	2	3
Pecco	10	10	3	0¾	·70	3	10
Ditto	11	11	4	7¾	·66	4	0
Ditto	12	12	5	11½	·96	5	6
Hyson-skin................	13	13	0	7¼	·54	2	1
Ditto	14	14	0	11¼	·42	2	2½
Ditto	15	15	1	3¼	·19	2	3
Twankay................	16	16	0	10½	·20	2	4
Ditto	17	17	1	3¾	·30	2	11
Ditto	18	18	1	4¾	·52	2	9
Young Hyson................	19	19	1	0½	·64	3	0
Ditto	20	20	1	10	·60	3	11
Hyson	21	21	2	3½	·96	3	10
Ditto	22	22	2	7½	·60	4	2
Ditto	23	23	3	1	·92	5	0
Imperial	24	24	2	11	·48	4	10
Gunpowder................	25	25	3	3	·14	5	3
Ditto	26	26	3	8¼	·24	5	8
ROTTERDAM.							
Thirty-five Samples:							
Bohea	1	27	0	9½	·55	1	5½
Ditto	2	28	0	11¼	·56	1	5
Congou	3	29	1	7¼	·11	2	1½
Ditto	4	30	1	9¾	·62	2	1½
Ditto	5	31	2	2¼	·15	2	2½
Kampoo................	6	32	1	5⅛	·10	2	4
Ditto	7	33	1	8	·61	2	1
Ditto	8	34	2	11	·2	3	4
Souchong	9	35	1	7½	·10	2	0½
Ditto	10	36	2	7⅛	·10	2	3
Ditto	11	37	3	3½	·72	3	8
Ditto	12	38	4	2¾	·29	4	2
Pecco	13	39	6	6¾	·45	5	3

4 June 1830.

R. Kelly, LL.D.

	Consul's Number.	Number affixed at the India Board.	Cost Price Abroad.			Value affixed by the London Brokers.	
			s.	d.q.	dec	s.	d.
Rotterdam.—(*continued*)							
Pecco	14	40	7	0	·48	5	2
Singlo	15	41	1	7¼	·11	3	0
Ditto	16	42	1	8	·61	2	2
Ditto	17	43	1	9	·12	2	5
Tonkay	18	44	1	5½	·10	2	1½
Ditto	19	45	1	7¼	·11	2	2
Ditto	20	46	1	9	·12	2	11
Hyson-skin	21	47	1	3¾	·04	2	1
Ditto	22	48	1	7¼	·11	2	1½
Ditto	23	49	1	10¾	·13	2	2
Hyson	24	50	2	9¼	·19	3	7
Ditto	25	51	3	1½	·71	3	8
Ditto	26	52	3	6	·24	3	10
Young Hyson	27	53	2	2¼	·15	3	7
Ditto	28	54	2	9¼	·19	3	9
Ditto	29	55	3	2½	·22	4	1
Imperial	30	56	3	7¾	25	4	5
Ditto	31	57	4	2¾	·29	5	2
Ditto	32	58	5	1¼	·35	5	6
Gunpowder	33	59	4	4½	·30	4	9
Ditto	34	60	4	11½	·34	5	4
Ditto	35	61	5	6½	·38	6	0
Frankfort.							
Ten Samples:							
Hyson-skin	1	62	1	3¼	·41	2	1
Singlo	2	63	1	8¼	78	2	3
Hyson	3	64	2	11¾	29	3	8
Imperial	4	65	3	4¾	·76	4	8
Gunpowder	5	66	5	1¼	·64	5	4
Bohea	6	67	1	4¼	5	1	11
Kempoy	7	68	2	11¾	29	3	1
Souchong	8	69	2	6½	·82	2	3
Ditto	9	70	3	10	·23	3	10
Pecco	10	71	5	1¼	·64	4	2
Petersburgh.							
Six Samples.							
Black flower tea	1	72	11	11	·28	5	3
Ditto	2	73	7	3½	·15	4	9
Black family tea	3	74	5	10	·37	3	8
Ditto	4	75	3	0½	·51	2	1½
Green	5	76	11	11	·28	Not imported for Sale in England.	
Ditto	6	77	6	2	·13		
New York.							
Fourteen Samples:							
Hyson	1	78	2	10	·62	4	4
Ditto	2	79	2	3¼	71	4	9
Ditto	3	80	2	0¼	·29	3	7
Young Hyson	4	81	2	7	·26	3	9

4 June 1830.

P. Kelly, LL.D.

	Consul's Number.	Number affixed at the India Board.	Cost Price Abroad.	Value affixed by the London Brokers.
NEW YORK.—(*continued.*)			*s. d.q. dec.*	*s. d.*
Young Hyson..........	5	82	1 11¼·15	3 7
Hyson-skin	6	83	1 7½·65	2 8
Ditto	7	84	1 0¾·75	2 1
Souchong.............	8	85	2 7¼·27	2 2
Ditto	9	86	1 10¼·01	2 0
Ditto	10	87	1 2¼·96	1 10
Pouchong...........	11	88	1 10¼·01	2 0
Ditto	12	89	1 4½·24	2 0
Gunpowder............	13	90	3 4¼·46	5 2
Ditto	14	91	2 9 ·48	5 0
BOSTON.				
Twelve Samples:				
Tonkay Hyson	1	92	0 11¼·54	2 2
Souchong.............	2	93	2 1¼·5	3 4
Ditto	3	94	0 11¼·54	2 0½
Hyson-skin	4	95	1 1¼·9	2 3
Ditto	5	96	0 10¼·47	2 2
Young Hyson..........	6	97	1 8½·6	3 8
Tonkay ditto	7	98	1 2¼·96	2 2
Hyson	8	99	2 4¼·86	3 8
Ditto	9	100	2 0½·32	3 9
Ditto	10	101	1 8¼·80	3 8
Ditto	11	102	1 11¼·15	3 9
Ditto	12	103	2 1¼·5	3 9

The witness is directed to withdraw.

JOHN CRAWFURD, Esq. is called in, and examined as follows:

John Crawfurd, Esq.

4708. What is your situation?—I am general agent for the merchants and other inhabitants of Calcutta and Bengal.

4709 How long is it since you left India?—I left India in the month of July 1827.

4710. Have you paid much attention to the culture of cotton?—I have paid a great deal of attention to it; but not as a merchant or as an agriculturist.

4711. In Java as well as in India?—Yes; in Java as well as in India; in British India, as well as in several other parts of Asia.

4712. Have you read a paper laid before Parliament, respecting the cultivation of cotton and tobacco in the East-Indies?—I have.

4713. It is stated in a letter from the Secretary of the Court

4 June 1830.

John Crawfurd, Esq.

of Directors to the Secretary of the India Board, that the cultivation of fine cotton in India has been checked by an unlooked-for difficulty; namely, that the consumption of cotton having a long silky staple is very limited, and that the demand for the British and foreign manufactures does not require, and consequently purchasers cannot be found for a large supply of Bourbon cotton. Is this consistent with the information you have been able to collect upon the subject?—I believe it is perfectly correct, as far as respects the Bourbon cotton, which has nearly gone out of use with the manufacturers of this country; but it is not correct as far as respects other long-stapled cotton generally. I have here an account of the export of Sea Island cotton from the United States, which is long-stapled cotton, and which shews that it is increasing.

4714. Describe the difference between Sea Island cotton and Bourbon cotton?—The Sea Island cotton and Bourbon cotton are the two finest descriptions of long-stapled cotton which have ever been used by the manufacturers of this country.

4715. Is the cotton cultivated in India Bourbon cotton or Sea Island cotton?—Long-stapled cotton of any description has never been cultivated in any part of British India. Attempts have been made to cultivate Bourbon cotton three or four times unsuccessfully; but I believe no long-stapled cotton has ever been cultivated in any part of Asia.

4716. Do you know for what reason it has not been so cultivated?—I will mention, if your Lordships please, the facts respecting the introduction and culture of Sea Island cotton in the United States.

4717. Can you state to the Committee why long-stapled cotton has not been cultivated in India?—The obvious reason of its not being cultivated is, that there has never been any skill nor any capital applied to the cultivation of it; that the natives do not require it for their own mauufactures, and that it had never been required for exportation.

4718. Is not that opinion of yours directly at variance with the opinions stated in the letter from the Court of Directors to the Secretary of the India Board?—I suppose it is quite at variance; my opinions are derived from the manufacturers of this country, and I believe it to be perfectly correct.

4719. Have you yourself witnessed the cultivation of cotton in India?—Yes, to a certain extent; it is short-stapled cotton invariably.

4720. Is any long-stapled cotton cultivated in any part of India?—It may be as matter of curiosity; but certainly not to any extent, in any part of India that I have been in.

4721. Are you aware whether there are any circumstances in the soil or climate of India, which render the cultivation of long-stapled cotton more difficult than in other countries?—I am not aware of any circumstances, except the want of capital and want of skill in the cultivators. 4 June 1830. — John Crawfurd, Esq.

4722. Is more capital required for the cultivation of long-stapled cotton than of short?—I would apply my observation to the cultivation of good cotton, long or short-stapled, fit for our manufactures. The cultivation of cotton for the manufacture of this country is for the most part of short-stapled cotton.

4723. Does the capital employed in the cultivation of cotton depend upon the fineness of the cotton produced?—Certainly; and upon the degree of skill required in the cultivation.

4724. Does it require great skill?—No doubt it does. I have got here an extract of a letter from Bombay, dated the 13th of June 1829, which, with the permission of the Committee, I will read; it explains this matter: "I have now very little hope that we shall be able to do anything whatever towards improving, even in the smallest degree, either the staple or cleanness of the Surat cotton, for it is not for the advantage of the grower of the article to expend one rea on the improvement of the ground, or the smallest extra labour in its cultivation; the ryot is so completely dependent on banyans, who have made advances on the growing crop, which advances are the whole payment the ryot ever receives for his crops, and he frequently is obliged to throw water on the cotton, and mix up dirt with it, to bring it up to the weight he has bound himself to deliver. Of late years these tricks have become much more common than they used to be, and we are forced to be very particular in choosing cotton, to see that it has not been damped. The picking time, too, is not left at the option of the grower, for until the Company's Revenue Collectors have made their circuit of the district, to ascertain the value of the crops on the ground, in order to judge what amount of taxes to levy, no one is permitted to commence the harvest; and in some seasons, as the present one for instance, when the circuit is not made till late, it has all the effects of a short crop, until navigation can be resumed after the rains. Formerly the Company received their taxes in produce; and then, as they were very particular in refusing all dirty or leafy cotton, and when the ryot was freer in fixing his own time of picking, we used to receive very superior cotton to any now seen; and there can be no doubt that were they to return to that system, an amelioration would soon follow." I believe there has not been the slightest improvement, as appears from all merchants and manufacturers, in the quality of Surat or Bengal cotton since the year 1814; I believe, also, there has not been the slightest improvement since the year 1790, when Indian cotton was first imported into this country.

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4725. Do you know what plans are in contemplation by the Court of Directors for the improvement of the growth and cultivation of cotton?—I know nothing more than is stated in the paper laid before your Lordships' Committee, and published. I should think that any plan originating from persons in authority is not likely to succeed. The East-India Company themselves in this paper confess that for thirty years they have been making endeavours to improve the quality of cotton, and yet it is notorious that the quality has not been improved in that time; I think, therefore, such efforts may be looked upon as hopeless.

4726. Is not the deterioration of the cotton attributed, in the letter you have read to the Committee, to some of the Regulations lately adopted by government, particularly as to the mode of collecting the revenue?—Yes, it is.

4727. If the facts stated in that letter be well founded, would not an improvement in the cotton take place if those late Regulations were repealed?—I have great doubts whether any material improvement would take place by the repeal of those Regulations. A trifling improvement would take place by returning to the old system, if the Company received as they had been in the habit of receiving, at Surat and in the Bombay presidency generally, their revenue in cotton; they would then insist on having the best cotton delivered to them; but I conceive a return to that system would be worse than the present.

4728. What measure would you suggest as best calculated to improve the cultivation of cotton?—A free admission of European settlers, and a free admission of European capital; I can conceive no other means of improving an article of that description; I do not believe that any fine cotton has ever been produced to any extent, except by such means as I am now endeavouring to indicate.

4729. Is there any cotton finer than that of Dacca?—I see it stated in the papers already quoted, that the cotton of Dacca is remarkably fine, and I suppose it is so from the quality of the goods manufactured from it; but it is in very trifling quantities; it is evidently very high-priced, and there is not an ounce exported. Whether it is fine or coarse is a matter of very little consequence to the manufacturers of this country; it is unknown altogether in the markets of Europe, and unknown even in the market of Calcutta.

4730. Has European capital ever been employed in the cultivation of it there?—I believe not in the slightest degree.

4731. Has it not been renowned for years as the finest cotton of India?—That is what I am not at all aware of.

4732. Is it not notorious that the finest muslins in India were made of the Dacca cotton?—Yes; but it is a fact not generally

known that those fine muslins have been manufactured from that fine cotton. 4 June 1830.

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4733. Is it, or not, the fact?—I believe long-stapled fine cotton is never grown in any country except in the immediate neighbourhood of the sea. The cotton of Dacca, it appears from the statement given in to your Lordships' Committee, is grown within twenty miles of the sea, and I therefore imagine it may be long-stapled fine cotton. The Sea Island cotton is grown in the immediate neighbourhood of the sea. The Bourbon cotton is grown there; and I understand the fine cottons of China are grown also in the immediate neighbourhood of the sea.

4734. Has the Dacca cotton ever found its way to the British market?—From inquiries I have made, I am certain it has not.

4735. Have not the finest muslins of India been always made of this Dacca cotton?—I cannot state that the finest muslins of India have been always made of Dacca cotton.

4736. Is the Dacca cotton spun by hand?—Invariably; and every cotton is spun by hand in India.

4737. Do you know whether it would bear being spun by machinery?—I am not acquainted with the character of that cotton, and my opinion respecting it would be but mere matter of conjecture; it has never been imported into this country.

4738. Do you know of what cotton the fine muslins of India have been made?—I suppose they have been made from the cotton produced in the neighbourhood of Dacca, which has been the seat of the fine manufacture of muslins from time immemorial; but the lower provinces of Bengal, that is, Bengal Proper, have never produced cotton of any description, fine or coarse, for exportation.

4739. Fine cotton having always been produced in the neighbourhood of Dacca, and European capital never having been employed in the cultivation of it in that place, may not the Committee conclude that it is not essential to the production of fine cotton that European capital should be employed, and that its production depends on other circumstances of soil and climate?—The fine cotton of Dacca never having been produced to any extent, nor ever been exported or become available to the manufacturers of this or any other country, I conceive the question does not alter the opinion I have given, that fine cotton, short-stapled or long-stapled, can only be produced through European industry and through European capital. It has never in reality been produced for any useful purposes but through them.

4740. To what circumstances do you attribute the fineness of the Dacca cotton?—The Dacca cotton is an article with which I am not in the least acquainted, either personally or from

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inquiry, therefore I cannot speak with the least degree of confidence to that. I hold in my hand a letter which describes the mode in which the Sea Island or fine long-stapled cotton was first introduced into the United States, which I think illustrates this.

4741. Are you yourself acquainted with the mode of cultivating different sorts of cotton; have you ever seen the thing done?—As a civil officer of the Indian government, engaged in making revenue settlements in the island of Java, and employed in procuring information on commercial subjects on missions I have been sent upon, I have made particular inquiry both as to the cultivation and preparation of cotton.

4742. The different sorts of cotton, the long and the short-stapled?—Yes; I have paid as much attention, I think, as most persons.

4743. Have the goodness to explain to the Committee the difference which exists in the manner of cultivating any short-stapled cotton?—The long-stapled cotton I absolutely know nothing of, except from report, because long-stapled cotton has never been cultivated in any country I am acquainted with; I have never seen it cultivated except as an experiment on a small scale not worth speaking of.

4744. Never having seen it except as an experiment on a small scale not worth speaking of, what leads you to conclude that nothing but European capital can possibly succeed in its cultivation?—European capital having succeeded in the cultivation of fine cotton fit for the manufactures of England in almost every country which can with any fairness be compared with Bengal or any part of British India, through European capital and skill, I conceive there can be no ground whatever for believing but that the same means shall succeed in British India.

4745. The question is not whether European capital would fail of producing fine long-stapled cotton; but why nothing but European capital should be capable of producing it in India?—My reply to that question is, that nothing but European skill or capital having produced it, I think there is no ground, from experience, to imagine that any thing else should effect it.

4746. Was long-stapled cotton unknown until European capital was applied to its cultivation?—I believe so; as far as I know, it was.

4747. Is the cotton of Dacca long or short?—I am not aware; I suppose short-stapled; but it is not an article known at all in commerce.

4748. Will you state to the Committee why European capital is required for the cultivation of long-stapled cotton, while

short-stapled cotton can be cultivated without it?—I have never said that good short-stapled can be cultivated without it; I do not know that short-stapled has been cultivated without it; I am not aware of any example of good short-stapled cotton being produced without European skill and capital.

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4749. Whether Dacca cotton be long or short, it has been cultivated without European capital?—It has been cultivated to a very limited extent, and for local purposes.

4750. Has it been entirely manufactured on the spot?—Entirely, as I conceive; but I would beg permission of the Committee to decline saying any thing respecting an article I am not acquainted with, and which is entirely unknown either as an article of agricultural production or of commerce.

4751. Have the goodness to describe the cultivation of cotton you have yourself witnessed?—In most of the countries I have been in, cotton has been grown as a second crop after the cultivation of rice. It is an annual plant which grows in about four months; it is cultivated with very little skill, and is generally a very hardy plant.

4752. To what countries do you refer?—I refer to the island of Java, and to considerable parts of Cochin China, and some parts of Siam and Ava: I refer also to some of the provinces of Bengal, where, however, it is not cultivated in exactly the same way, but very nearly so.

4753. When you say that it is cultivated without skill, do you mean that it is a plant which requires very little skill?—I apply that to cotton I am acquainted with; to coarse cotton, such as is now imported, under the description of Surat and Bengal cotton, into this country.

4754. That is hardy, and requires very little skill?—Yes; and in proportion as the cotton becomes fine, it requires more care.

4755. Have you never witnessed the cultivation of fine cotton?—I have witnessed the cultivation of finer cottons than others. I know there is a foreign cotton cultivated in Java, which is double the price of others, and that requires much more care in the cultivation.

4756. Specify the care necessary in the cultivation of that cotton—in what manner it is applied; was it applied in the selection of the seed, the preparation of the ground, the weeding of it after the seed was in it; or in what way?—I am not able to give any particular details on this subject; I only know the delicate would require very great care, the hardy would require but little.

4757. Did it appear to you that more care was bestowed upon this finer cotton than on cotton of an inferior description?

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—That is proved by the price in the market; it was double the price.

4758. Did that arise from the superior quality of the soil, or the seed which was used?—I think it did not. It was a peculiar seed no doubt.

4759. Was the ground better?—No doubt there would be a nicer selection of the soil.

4760. Was it in a better situation; nearer the sea?—I cannot recollect; I think not; but it was cultivated in very small quantities.

4761. If the seed was better, and the ground better, would not those circumstances alone account for some superiority of price?—No doubt.

4762. From any information you have obtained, what are the circumstances which it appears to you in the cultivation of the finer and long-stapled cotton would require the employment of considerable capital?—I beg to state, that I do not confine the observation I made respecting the necessity of European capital and European skill to the cultivation of long-stapled cotton, but to any cotton; I apply it to all good cotton, fit for the manufacture of this country. The short-stapled cotton is of far greater consequence to the manufacturers in this country, than the long-stapled cotton.

4763. Being acquainted with the cultivation of short-stapled cotton, have the goodness to explain in what manner the cultivation of that would have been improved by the employment of greater capital, and what you call European skill?—There would have been more care taken in selecting the seed, and more care taken in the growing, and, above all, more care in freeing it from the seed, and packing it, and bringing it into the market.

4764. Is there any great difference in the price of the different seeds?—That is a question which I cannot speak to; no doubt there is a difference in the price of the different seeds.

4765. Any thing material?—The seed which is more difficult to grow must be of a higher price than the seed which is easily grown. Seeds of the common cottons in India are of very little value; they are given to cattle for food.

4766. Is the seed of the Sea Island cotton of value?—That I cannot speak to.

4767. Have the goodness to explain the manner in which capital could have been advantageously applied in the cultivation of cotton after the seed was put into the ground?—I am not able to speak to that. I am not an agriculturist. I can only say generally, that European capital having succeeded in

producing very fine excellent cottons to an extraordinary and unexpected degree, I have no doubt it will succeed wherever it is tried; it has succeeded in other parts of the world, and there can be no question of its succeeding in India or anywhere else. 4 June 1830. John Crawfurd, Esq.

4768. Do you know how long a cotton plantation takes to come to maturity in India?—The common annual cotton will come to maturity in four or five months; but in cultivating the finer kinds, in India and elsewhere, they may, by care, be made to ratoon, that is, to grow from the roots; and then the varieties which are annual will become perennial, and be cultivated for three, or four, or even five years; but that is not the general practice. In India the seed is sown, the plant grows up, the cotton is taken from it, and it perishes within the year.

4769. There is a difference, you conceive, between the Indian and the American cotton in point of cultivation; the one plant being an annual, and the other not coming to maturity for two or three years?—I believe the greater part of the American cotton is annual as well as the Indian.

4770. Is the Sea Island an annual?—That is a perennial.

4471. Do you mean that there is any actual difference in the plant, or that where it is called perennial it is only allowed to remain in the ground a year or two longer?—That is a point I am not very well acquainted with. There are several species of cotton with which I am well acquainted; but I believe the greater part of the difference which in commerce we find in cotton is produced from varieties, and that the plants producing them do not constitute distinct species; the Sea Island cotton, for example, grown on the sea side, produces a very fine cotton; removed ten or twelve miles into the interior, it ceases to be so fine. From the statement given in to this Committee, I apprehend that the Dacca cotton will not grow except in a very limited district, within, I think, twenty miles of the sea, to the length of fifty miles from, and I believe to the breadth of three from the river side. I know that experiments have been made in cultivating the Bourbon cotton in the district of Benares, and there it totally failed; I know also that an experiment was made in the Island of Java in my own time, on a very extensive scale, for the cultivation of cotton from the Bourbon seed in the interior, and that also failed.

4772. By whom were the experiments made?—The experiment at Benares was stated to me on the authority of Mr. Henry Colebrook, with whom I conversed on the subject a few days ago. I think Mr. Colebrook was in the civil charge of the district at the time. The experiment was made by a foreigner, a

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Frenchman. The experiment in Java was made by gentlemen, among whom were some relations of my own.

4473. In both those cases European capital and skill were employed, but the experiment failed?—Yes; but improperly employed; for they attempted the cultivation of Bourbon cotton in a situation where it could never succeed. Benares is four or five hundred miles from the sea. The place in the island of Java where it was tried was also at a distance from the sea.

4474. The same want of success has attended the effort to cultivate coffee in Bengal, has it not?—I have always thought that it would fail. I have known coffee cultivated, but in very different circumstances. I always expected that the experiment in Bengal would fail; and I think it highly probable that it has failed, though I am not aware it actually has.

4775. You were in Java at the time it was taken possession of by the English, were you not?—Yes, I was.

4776. Was there any change made in the regulations respecting the cultivation of cotton, or the employment of capital consequent on the cultivation?—I think no change that had cotton particularly for its object.

4777. Was European capital more employed in the cultivation of cotton subsequently to the British occupation of Java, than it had been before?—I think the regulations were pretty nearly the same. The Dutch have always permitted European capital and skill to be employed.

4778. Did the Dutch permit a permanent acquisition of property by Europeans?—Always. There were large Dutch proprietors when we took possession of the island, and there are at this moment large Dutch proprietors.

4779. The European proprietors were permitted to conduct the cultivation of cotton on the same terms under the English government as under the Dutch?—Yes.

4780. Did much European capital find its way to Java during our possession of it?—There were large purchases of land during our occupation.

4781. Did any improved cultivation of soil, in consequence of those purchases and that increased application of capital, take place?—No; I think the capital was applied to other employments, particularly the culture of coffee.

4782. Have you collected information of the circumstances which attended the introduction of the fine varieties of cotton into America?—I have seen what I consider an authentic letter from one of the earliest planters of cotton upon this subject, giving an account of the introduction of cotton into that country,

by which it appears the Sea Island Cotton was brought from the Bahama Islands in the year 1796, and that the first parcel of cotton was exported in 1791; it amounted to 19,200 lbs.; and I find from the American Returns of Exports and Imports for the year 1827, that the total exports of that year amount to 294,310,115 lbs, weight, and to the value of 29,359,545 dollars. 4 June 1830. John Crawfurd, Esq.

4783. Can you state the relative prices of Indian and other cottons?—This paper is taken from the most recent Liverpool Price Current I have seen. There are twelve descriptions of cotton mentioned in it, and the prices are the result of actual sales.

1. Sea Island	$13\frac{1}{4}$*d.*	to	16*d.*
2. Egyptian	8*d.*	to	9*d.*
3. Pernambuco	$7\frac{1}{4}$*d.*	to	$8\frac{1}{2}$*d.*
4. New Orleans	$6\frac{3}{8}$*d.*	to	$8\frac{1}{2}$*d.*
5. Maranham	$7\frac{1}{2}$*d.*	to	$7\frac{7}{8}$*d.*
6. Bahia	$7\frac{1}{2}$*d.*	to	$7\frac{3}{4}$*d.*
7. Upland	$6\frac{1}{4}$*d.*	to	$7\frac{1}{8}$*d.*
8. Barbadoes	7*d.*		
9. Tennesse	$6\frac{1}{4}$*d.*	to	7*d.*
10. Carthagena	$5\frac{3}{4}$*d.*		
11. Surat	$4\frac{3}{8}$*d.*	to	$5\frac{1}{8}$*d.*
12. Bengal	$4\frac{7}{8}$*d.*		

I have seen some cotton lately brought from New South Wales that is valued at $10\frac{1}{2}$*d.* per pound, and ranks higher than any cotton in the Liverpool statement, except Sea Island. I have also seen a sample of cotton from Sea Island seed, grown on the island of Saugor, at the mouth of Hoogley river, that is valued at 8*d.* per lb.

4784. Is the Sea Island cotton in the island of Saugor succeeding?—I refer to a small sample. The price was put upon it by a merchant of Manchester.

4785. Do you know any thing of the circumstances under which that experiment was undertaken?—I do not.

4786. What are the principal defects of the Indian cotton which makes its price so low?—It is very short in the staple; so much so as to require peculiar machinery, and it is of a coarse quality, and extremely dirty. I believe that some of the best Surat cotton is nearly as good in point of quality as that commonly called Georgia Bowed or Georgia Upland.

4787. What is the price of that?—I think the Georgia Bowed cotton is about forty per cent. better than Surat cotton; it is better grown, and cleaner. The difference, I believe, is chiefly in the mode of cleaning, and in the mode of separating

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the wool from the seed; but of this I am not quite certain. With respect to the difference of price there is no doubt.

4788. As far as that difference of price is created by the imperfect mode of cleaning practised at Surat, may not that imperfection be obviated by the more extended use of the new machinery which has been sent out by the Company within the last year?—I have not the least hope of any success from that experiment.

4789. Will you state why?—Because the East-India Company has been trying similar experiments without success during nearly half a century back; I may say, for thirty years, according to their own account, which is before me. The Indian cotton is notwithstanding just the same that it was in the year 1790, when it was first imported into England. There has been great encouragement given by increasing the exports from India since the year 1814, but it is not only not improved, but alleged to have become even worse.

4790. Are you of opinion that no export of machinery by the East-India Company can improve the cleaning of the cotton?—Small quantities of it may no doubt be cleaned by the East-India Company, and may be brought to this country, and prove perfectly satisfactory as far as a limited experiment goes; but as far as respects the great manufacturing interest of this country I conceive there can be no hope of it.

4791. From what circumstances do you deduce that total absence of hope, that machinery in India will produce the same effects that it has in every other case?—From the total absence of success on the part of the East-India Company in all their former schemes.

4792. Then you despair of success, not because the machine cannot clean cotton better than it is cleaned now, but because it is sent out by the East-India Company?—I conceive that it is not of the slightest consequence by whom the machine is sent out; I do not conceive that can have the slightest reference to the question.

4793. Are you not of opinion that machinery in India will produce the effect it produces elsewhere?—I am of opinion that when skill and capital are invested in the soil of India and in the industry of India, machinery, and whatever else is necessary to success, will be applied naturally and necessarily; and I am distinctly of opinion that the interference of the government of India in that matter can be of no benefit whatsoever; and that all that is required of a government is to afford protection to persons and to property.

4794. Have you ever seen any machines used in cleaning cotton?—I have seen the machines used in India often.

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4795. Have you ever seen any of the hand machines used in America?—I have never seen any of the machines in use in America.

4796. Are you aware whether the machine is of a costly nature?—I am not.

4797. Are you aware whether it requires any skill in turning it?—I understand it does not.

4798. Then if it requires neither costly expenditure in purchasing it, nor skill in using it, why should it not effect its object in India as it has in America?—The Americans export large quantities of cotton; and they furnished the manufacturers of this country with a great deal of cotton before the invention of the principal machine now hinted at. The East-India Company, I find by a paper before your Lordships, had sent out similar machinery to that used by the Americans, long ago, to India, but the sending out of that machinery was attended with no advantage whatever; I do not therefore look for any advantage from the improved machinery.

4799. May it not be inferred from that answer, that you attribute the failure of success, in consequence of sending out machinery before, to the circumstance of its being sent out by the East-India Company, not to any defect in the machinery itself, or to any circumstances in the state and condition of the people?—I beg to say, that I ascribe nothing whatever to the circumstance of the machinery being sent out by the East-India Company; it is a matter of no consequence by whom it is sent out; the machinery is sent out to a people who have not skill or capital to apply it.

4800. Has it not been admitted that this machinery requires the exercise of no skill; if that be the case, why should not it succeed?—I cannot see that it has been admitted that it requires no skill; seeing that this machinery has been invented and is used by one of the most civilized and one of the most enterprizing people in the world, the Americans.

4801. Must skill be requisite for the use of machinery because that machinery happens to be in the possession of a civilized people?—I think so, decidedly; I think your lordships would not propose to send a spinning machine into the wildest parts of Scotland or Ireland, and expect it should be used there to advantage.

4802. Is there any comparison whatever between a spinning machine and a simple machine for separating the seeds from the cotton; is it not turned by the hand?—Yes; but it is very different from that used by the Hindoos.

4803. Have you seen the machine to which the question refers?—I have seen drawings of it only

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4804. Supposing the machine to be there, is capital required in the use of it?—Yes, certainly.

4805. Will you explain how?—There must be a quantity of cotton produced. There must be considerable capital invested in the production of cotton, to make it worth while to use it.

4806. Is not the machinery used to supplant labour, and is it not used only because it enables you to perform the same operation more cheaply than by manual labour?—I suppose so.

4807. Does not that machine supplant the manual labour of Hindoos?—Yes, I suppose so, if they use it; but the East-India Company have sent out improved machines on former occasions, which the Hindoos never made use of.

4808. Do you know any thing of the cultivation of tobacco in India?—I have seen it cultivated there.

4809. Is that inferior to the American tobacco?—Yes, very inferior.

4810. In what degree?—I think it is not worth above one-third part of the price of the American tobacco.

4811. Have you been able to satisfy yourself as to the cause of its inferiority?—I think it may be generally ascribed to the want of skill on the part of the grower and the preparer; what has been brought to this country has been in a very unmarketable state.

4812. In what part of the process do you conceive the want of skill may be traced, either in growing or preparing?—I think the principal want of skill is perhaps in the preparation of it. I know that other Asiatic people have cultivated very good tobacco; I have seen excellent tobacco grown by the Chinese.

4813. European skill and capital, therefore, are not required for the cultivation of good tobacco?—Chinese skill and capital resemble very much European skill and capital; I take European skill and capital, however, to be as much superior to Chinese skill and capital as Chinese skill and capital are superior to Hindoo skill and capital.

4814. Have you ever known any samples of Indian tobacco prepared by Europeans and Indians of real skill?—Never.

4815. Is it not purchased by European mercantile houses, and prepared by them?—Never prepared by them; it is an article very rarely dealt in at all.

4816. Is not the reason of that, that in reality it is a very inferior article to the American tobacco; entirely inferior?—It is inferior to any tobacco I know in any part of the world; it is inferior to the tobacco grown in Manilla, in Java, in China, in Persia, and even in the Burman empire; there are very good specimens of tobacco in the Burman empire.

4817. Did you perceive any great difference in the mode of

cultivating tobacco in the Burman empire and in those parts of India where it is so inferior?—I think I may generally say I saw it grown with more skill and care; that more attention was paid to its cultivation.

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4818. Describe the manner in which that care and attention were applied to the cultivation of tobacco?—In attention to the selection of the seed, in attention to soil, to weeding, to the mode of reaping the crop, and to the mode of preparing the drug after the crop is obtained, and the mode of packing it.

4819. In all those particulars to which you have referred, did you perceive an inferiority of management in India?—In reference to the cultivation I am best acquainted with, that of the Chinese in the island of Java, a most decided inferiority; but it is impossible to see the habits of the two people, the Hindoos and the Chinese, and to see the mode in which they carry on agriculture or any other species of industry, without being forcibly struck with the superiority of the one race over the other.

4820. How do you rate the Javanese with the Hindoos?—I think the lower classes of Javanese are rather superior to the lower classes of the Hindoos; but the upper classes of Hindoos greatly superior to the upper classes of the Javanese.

4821. Assuming the qualities to be good, could tobacco be produced more cheaply in India than it is in America?—I should think not; but the climates of the two countries would produce different qualities of tobacco. The people of the United States could not grow the same qualities of tobacco which might be grown in India, nor could those of India grow the same qualities of tobacco as are grown in America.

4822. Is not the price of labour much cheaper in India?—Yes; but the land is not so cheap, because it is more occupied; and then the skill is all on the side of America.

4823. You think that, under no circumstances, the Indian tobacco can come into competition with the American?—I think, perhaps, not generally in competition with all American tobaccos, but that it might be extensively consumed in this country for particular purposes.

4824. Would you give the same answer upon the subject of the East-India sugar as you have in respect of cotton and tobacco?—That is a still stronger case.

4825. In what respects?—The making of sugar is more in the nature of a manufacture, and requires a greater degree of capital and a greater degree of skill.

4826. Are you acquainted with the cultivation of indigo in India?—I have seen it cultivated.

4827. Has it been much improved of late?—I understand

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from those who have been engaged in it, there has been an improvement.

4828. To what do you attribute that improvement?—To a free application of European skill and capital, and to that only.

4829. You conceive the same results would take place in the cultivation of other articles, to which you have been examined, by the same means?—Yes, more or less.

The witness is directed to withdraw.

Ordered, That this Committee be adjourned to Tuesday next, one o'clock.

Die Martis, 8° *Junii* 1830.

The LORD PRESIDENT in the Chair.

FRANCIS HASTINGS TOONE, Esq. is called in, and examined as follows:

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F. H. Toone, Esq.

4830. HAVE you been in China?—I have been.

4831. What situation did you hold in China?—I was a civil servant in the Company's service in China.

4832. In what year did you go out to China?—In 1805.

4833. When did you leave China?—The last time, I left it at the end of 1826.

4834. Had you been absent, during that period, for any length of time?—Yes; I was twice absent during that time, I returned twice to Europe; once I was absent for three years, and another time for two.

4835. Your knowledge of China extends over a period of nearly twenty years?—Yes.

4836. What situation did you hold when you left China?—I was second member of the Select Committee.

4837. In what manner are the servants of the Company in China remunerated?—By a commission upon the sale of goods on the part of the East-India Company.

4838. What is the amount of your commission?—It is two per cent., subject to certain deductions, which make it less than two per cent.

4839. On the sale of what goods is that commission granted?—On the sale of all goods exported to China on account of the East-India Company, from England or from India, with the exception of bullion; and on all goods sent to London on the same account; also upon the teas by the East-India Company, for sale in Halifax and Quebec.

4840. Is that calculated on the sale price of those sold in London?—I understand that it is upon the net sale price.

4841. Is it calculated upon the sale price of the goods imported into China, or upon their invoice price?—I understand, upon the invoice price.

4842. The calculation, however, is made in England, is it?—It is.

4843. What other charges, in addition to those included in the two per cent. commission, are paid by the Company, for the management of their China trade, in China?—They pay the salaries of two tea inspectors, two surgeons, and an interpre-

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ter; there is also an allowance to the Commodore of the Indiamen, and a retiring pension paid to a former tea inspector, and the salaries of all the European servants connected with the factory—those are deductions from the two per cent.

4844. In addition to the two per cent., there are the charges of the rents of houses occupied by the factors?—Yes; the expenses of the table, and the rent of the factories, at Canton and Macao; those are the principal items. The removal of the factory to and from Macao forms another item.

4845. What additional per-centage upon the two per cent. commission do you apprehend all those charges to amount to?—I understand from the officers of the India House, that three per cent. covers the whole expense of the factory of every description.

4846. What is the amount of commission paid by private traders at the port of Canton to the agents who conduct their business?—From three to five per cent.; I have never known less than three; and I have generally understood that five per cent. has been charged by private agents.

4847. The trade of the Company at Canton then is conducted on a more economical footing, as regards the allowances of the servants and the commission paid by them, than the trade of individuals?—I believe it is, as far as I know it is.

4848. Do you apprehend that the trade of the Company at Canton could be conducted by fewer persons than are now employed?—I think it might be conducted by fewer leading persons, with clerks to execute their orders.

4849. In your opinion, is a long residence in China necessary to qualify a person to conduct trade with the Chinese?—I should say that a residence of three years in the country would qualify a man who was actively employed in commercial business during that period, to conduct commercial transactions with the Chinese.

4850. Is a knowledge of the Chinese language necessary?—It is useful, but not absolutely necessary; it is highly useful, no doubt; but not one of the private merchants resident in China has any knowledge of it.

4851. And they get on perfectly well without it?—They do so.

4852. What reduction, in your opinion, could be made in the charges of the factory at Canton, without diminishing its efficiency?—It would require four or five leading persons to conduct the business of the factory, and perhaps as many more to meet the contingencies of ill health, which might oblige them to return occasionally to Europe. I should say that with less than ten it could not be efficiently conducted, and that exclusive of mere clerks.

4853. The present number is twenty, is it not?—It is. 8 June 1830.

4854. In proportion as the capital of a merchant or mercantile body is large, the charge of conducting that trade is proportionably small, is it not?—Certainly. *F. H. Towne, Esq.*

4855. In what manner do you purchase the teas for the Company's investment?—We usually contract for the teas in the spring of the year, to be delivered in the following autumn and winter; and to be then shipped for Europe in that time.

4856. Do you purchase any teas not on contract?—Yes; to fill up the deficiencies which occur in the fulfilment of those contracts. The same body of merchants, namely, the Hong merchants, supply those teas as supply the teas to be received as contract teas.

4857. You make it a practice to reject all teas which do not come up to your standard?—Yes.

4858. Are those deficiencies in the merchants with whom you have contracted considerable?—With the younger and poorer merchants it often occurs; but not with the richer and senior merchants.

4859. Has the quantity of tea deficient in any year been considerable?—I think it has. There are five or six junior merchants in China, each of whom have occasionally failed to deliver a quantity of tea of proper quality, equal to the amount contracted for.

4860. Can you state the amount of the deficiency which has occurred at any time?—I cannot, at this moment.

4861. When you have been obliged to buy teas not on contract, have you found any difficulty in procuring them?—The black teas are placed almost entirely at our option; and we have found no difficulty in procuring a sufficient quantity to complete the cargoes of the ships consigned to us, although we have often been obliged to supply deficiencies in the delivery of contract teas by purchasing teas of lower qualities than we could have wished. With regard to the green teas, we have had to meet the competition of the Americans; and then we were unable occasionally to purchase the teas we wished, they giving higher prices for them than we deemed it advisable to do.

4862. Do you find that the teas you purchase in the open market have been dearer than those you purchased by contract? —They have been so sometimes in regard to green teas; but we generally purchase by the same scale of appreciation as is adopted for the regulation of the contracts.

4863. And with the same persons?—Yes; and we never purchase any teas except of the Hong merchants.

4864. Does the contract price vary from year to year?—With regard to the bulk of teas, it does not; as regard some

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classes of the green teas and souchong, it does. We vary the prices of them a little, to endeavour to get a supply more suited to the demand, and also to meet the competition of the Americans.

4865. Have you increased the price of green teas?—Yes, occasionally; when we had to contend with an active competition.

4866. Has the price of black tea diminished?—A diminution took place in the year 1825, of one tale per pecul on the principal contract—black teas; namely, on the congou teas.

4867. What was the whole number of tales per pecul you had paid for the black tea previous to the reduction?—It was divided into four classes, at 26, 27, 28, and 29 tales per pecul respectively, and we reduced each of those classes one tale.

4868. How is that contract price fixed?—Those prices have been fixed for a long series of years past; why they were so originally fixed I am not able to say; those prices were established when I went to China, more than twenty years ago.

4869. When the Hong merchants have contracted with the Company for a certain supply of tea, what do they do for the purpose of procuring that tea?—They make other contracts with native dealers to bring down the tea, and make them advances generally to the amount of about one-third of the value of this tea.

4870. How long previous to the delivery of the tea is that advance made?—About six months.

4871. What is the usual interest of money at Canton?—Between the Hong merchant and the merchant of the interior, from one to one and a quarter per cent. per month.

4872. Have you ascertained at what price the country merchants deliver the tea to the Hong merchants?—With regard to the congou, which forms the largest class of teas, about seventeen tales and a half per pecul are paid by the Hong merchants for tea of average contract quality.

4873. What charges, in addition to that price of seventeen tales and a half per pecul, are made upon the tea before it gets into the hands of the Hong merchants?—The Hong merchants estimate that three tales per pecul are necessary to cover the charges upon tea payable by them.

4874. That tea is delivered to the Company at a price varying from 25 to 29 tales per pecul?—Yes. The terms of the contracts for tea, made between the Hong and tea merchants, vary slightly from year to year; but the general practice is in accordance with the following statement. An average price is fixed, say at the rate of 17½ tales per pecul, with an agreement that for such parcels of the tea as may be received by the Company at 28 tales per pecul an augmentation of one tale shall be made to the tea merchant; and for such parcels as shall be

received by the Company at the price of 25 tales only, a diminution of half a tale shall be allowed. The prices of 17t., 17t. 5m., and 18t. 5m. per pecul, between the Hong and tea merchants, correspond usually with those of 25, 26, and 28 tales per pecul between the Hong merchants and the Company. 8 June 1830. — F. H. Toone, Esq.

4875. The profit therefore to the Hong merchant, on each delivery of teas, appears to be about twenty-five per cent., after deducting the interest on the advance made to the country dealer?—It is about five-and-twenty per cent., without taking the interest into consideration; no interest on the money paid in advance by the Hong merchant is charged to the country dealers; that is, the tea merchants.

4876. When a contract is made, or any engagement made, with an outside trader, are the teas delivered by him still delivered through a Hong merchant?—Always.

4877. Have you ascertained what commission the Hong merchant takes upon that delivery?—I am not able to say, but I understand it is moderate.

4878. The Hong merchants may therefore be considered in the light of brokers, taking a commission upon the sale of all the teas, and the transaction of all mercantile business at the port of Canton?—In regard to the sale of teas, they act chiefly as brokers. Some of the principal merchants speculate on their own account; they send a servant to the tea country with money to purchase teas on their own account, but the poorer merchants act almost entirely as brokers.

4879. In consideration of the profits they derive from that brokerage, they make certain payments to the government?—Yes.

4880. In what manner do the Americans and other nations conduct their trade at the port of Canton?—They deal very much with what are called the outside merchants; that is, with shopkeepers; but the goods bought of those persons must all pass through the hands of some of the Hong merchants.

4881. Do those outside merchants deliver teas of as good quality as the Hong merchants?—I have understood that their teas are certainly not so good as the best of those furnished by the senior merchants.

4882. They again contract with country merchants for the delivery of those teas?—Yes, they do.

4883. In what manner do the officers of the Company's ships conduct their trade?—Chiefly with the outside merchants.

4884. The factory of the Company do not interfere in the management of that trade?—Not in the slightest degree.

4885. Is it understood that they purchase teas of as good a quality and at as low a price as the Company?—I have understood from several of the commanders themselves, that they do not get teas on such good terms as the Company do.

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4886. Do you apprehend that the Americans get their teas on as good terms as the Company?—I apprehend not, on an average of years.

4887. In what different modes does the Factory of Canton provide funds for the Company's investment?—The deficit beyond the produce of the goods imported from London and India is supplied by drawing bills upon the government of Bengal or the Court of Directors.

4888. Those bills upon the government of Bengal are drawn to a great extent every year, are they not?—Yes, they are; to the extent of a million and a half or two millions of dollars; sometimes exceeding that.

4889. How are the funds provided in China which are given to the Factory for the bills they give upon the government of India?—They are the proceeds of the opium chiefly, and the exports from India generally.

4890. In what manner are the funds placed in China which are received by the Factory for the bills given on the Court of Directors?—They are also in a great degree the produce of the Indian trade; those bills being used for the remittance of funds from China to India.

4891. Are the Americans in the habit of purchasing Company's bills on the Court of Directors?—No, not generally. The Americans have occasionally obtained their goods by the sale of bills on London themselves; they then come provided with letters of credit on commercial houses in London.

4892. In what manner are the sales of British manufacture conducted at Canton; in what manner is that price fixed?—The Company's servants send for the Hong merchants, and, shewing them the samples, allow them a time to make their offers; the goods are then sold, either by division amongst the whole body of Hong merchants in shares, or they are sold to the best bidder. The cotton from India is generally sold to the best bidder.

4893. Do you mean that the cotton is generally sold to the best bidder among the Hong merchants?—Yes. The woollens are divided among the merchants according to the shares of tea we have received from them.

4894. The two transactions, however, are kept distinct?—Quite distinct. The system of barter is never resorted to in the Company's service.

4895. In what manner do you convert the invoice price of the exports from England into Chinese currency?—At the rate of 6*s.* 8*d.* per tale weight of dollar silver.

4896. Is the tale really worth 6*s.* 8*d.* English currency?—The intrinsic value of the tale, at the mint price of 5*s.* 2*d.* per ounce of standard silver, would be about 6*s.*

4897. Therefore, when goods which in England have cost 20*s.*

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are transferred to the Company's books in China, they appear as having cost three tales?—Yes, they do.

4898. The real cost in silver having been 18s., and not £1?—An invoice amount of £1 sterling is carried to account in our books at three tales; whereas, at the intrinsic value of the tale, that amount would be converted into three tales and about a third.

4899. What is the proportional value of the dollar and the tale?—In our books we carry them to account at the rate of seventy-two tales for a hundred dollars; one hundred dollars should weigh seventy-two tales. Dollars are always received by weight in China, and not by number.

4900. When you draw bills on India, do you draw at a fixed rate of exchange, or the mercantile rate of exchange of the day?—At the mercantile rate of the day.

4901. And the same when you draw on the Court of Directors?—Always.

4902. Then, as regards those sums, which amount to a very large portion of the sums with which you purchase the Company's investment at Canton, you obtain those funds as cheaply as any Indian merchant could obtain them?—Assuredly; and generally at a cheaper rate, in consideration of the superior security of the Company's bills. On Bengal we generally draw at the exchange of about 202 rupees for 100 dollars; whereas the intrinsic par rate would be 210 rupees per 100 dollars.

4903. How does the government of India calculate the invoice price of the goods which are sent to China?—They are stated in rupees; all their invoices are stated in rupees.

4904. How are those rupees converted into tales?—We convert them into dollars at their intrinsic value; then turn the dollars into tales at the rate of 72 tales for 100 dollars. The rate of exchange for the rupees of the different presidencies with dollars has been fixed by the Court of Directors on the basis of the intrinsic value of the coins respectively.

4905. Is the cotton so purchased in India, and paid for in dollars at the intrinsic value, obtained by the Canton treasury on more favourable terms than such cotton would be obtained by private merchants?—I presume that it is; but I am not able to state how the Bengal government purchase the cotton.

4906. Does the investment of cotton produce a profit in China?—Generally a considerable profit; there are occasions on which there has been a loss; but in general it has been a capital trade to the Company.

4907. Is much cotton sent from India by the country trade?—A good deal.

4908. It is cotton wool which is sent?—Yes.

4909. The exports from this country, of British manufactures, to Canton, has not been upon the whole profitable, has it?—

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There has been a loss upon the whole annual export I believe upon every occasion; it is now reduced, I think, to about £17,000 a year; the average loss upon the whole consignments of British manufactures formerly was much more.

4910. In what manner do you calculate that loss?—The account of every commodity imported is drawn up according to the practice of private merchants, as a debtor and creditor account, in the form of an account sale.

4911. Do you consider that there was a loss when those manufactures sold in China produced less bullion there than was paid for them in England?—I suppose there would be a loss in such a case.

4912. Is that the mode in which you calculate the loss?—We calculate according to the exchange I have mentioned, of 6*s*. 8*d*., upon that the profit and loss is calculated.

4913. Would not that mode of calculation produce an appearance of profit where there was actual loss, the tale being in reality 8*d*. less in value than it is calculated at in the Company's books?—So it would appear, I think. According to that mode, the exports have been charged at less than the real cost; £1 sterling is charged at three tales instead of at three tales and a fraction; so that the debtor's side of the account in the China books is less than it would be if the principle of exchange were the intrinsic par.

4914. Then when those manufactures are sold they are sold for tales, which are likewise calculated in the books as being of more value than they really are?—Yes.

4915. So that in reality the loss is greater than it appears to be on the face of the account?—Without some consideration, I could not well answer that question.

4916. Has the price of British manufactures much diminished of late years in China?—The prices at which we sell them to the Chinese has been lowered.

4917. It has not, however, fallen so much as the invoice price of those manufactures in England?—Not so much.

4918. Has the sale of those manufactures been increased in China in proportion to the diminution of that price?—I do not think it has. With regard to the article of long ells, the quantity exported to China has diminished.

4919. The demand, therefore, of the Chinese does not appear to have increased in proportion to the diminution of price?—No, it has not.

4920. Do the merchants who purchase your manufactures find a difficulty in disposing of them?—They state a very great difficulty in selling many sorts of them. We have found it imprac-

ticable to obtain a remunerating price for the long ells consigned to us. With regard to the article of broad cloth, the Company export only that quantity which can be sold at a price which covers the cost and charges; and with regard to the third branch of our woollen exports to China, namely, the camlets, they have not been of late years a gainful article to the Company.

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4921. Have you yourself seen large quantities of British manufactures which appeared to be unsold in the warehouses of the Hong merchants?—Yes, I have; in the warehouse of the senior merchant Howqua, who from his wealth has been the largest purchaser of them.

4922. Do you understand that the Americans have derived much profit from the sale of British manufactures?—I did not understand so when I was in China. I have seen it stated since my return to England that they had sold them profitably.

4923. Have you ever been enabled to compare the quality of the manufactures they sell with the quality of the manufactures sold by the Company?—No, I have not.

4924. Does it appear to you that woollens have come more into use amongst the Chinese than they were formerly?—There is no reason whatever to suppose that; I should rather think the reverse.

4925. Have any efforts been made to extend the sale of the cotton manufactures of this country?—Several; there have been large importations on private accounts for several years past; the East-India Company have also from time to time exported cotton manufactures, but the out-turn has never covered the cost and charges.

4926. That has been less profitable than the export of woollens?—It has been so.

4927. The Chinese have a very good cotton manufacture of their own, have they not?—An excellent one; the people are chiefly clothed in cotton.

4928. Is it as cheap as the cotton of this country?—Taking into consideration its superiority of quality, in Chinese cotton cloth, it is considered by themselves as cheaper; it wears better.

4929. Do you apprehend that if the cotton manufactures of this country could be furnished at a cheaper rate than their own, and of equal goodness, there is any prejudice on their part which would prevent their purchasing them?—No prejudice, further than that I think the government would endeavour to protect their own manufactures, if the export of cotton from this country were carried to a very great extent.

4930. The Americans have not increased to any great extent their exports to China of manufactures, for the purpose of purchasing their teas, have they?—The export of manufactures to

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China on the part of the Americans commenced very recently; I think in the year 1819 or 1820; previously to that their exports were almost wholly in dollars.

4931. A very large proportion of their exports is still in dollars, is it not?—I understand so, from the United States; though I have been informed otherwise since I arrived in Europe.

4932. They also give bills?—Yes; they occasionally draw bills on houses in London to a certain extent.

4933. Do you apprehend that you can, without affecting the exchange to a considerable extent, raise a larger sum in China by bills on the Court of Directors than has been raised?—At the present time, I imagine a very large sum could be raised by bills upon the Court of Directors, because there is a great demand for such bills in India.

4934. It appears that in one year a sum of £500,000, or nearly £600,000, was drawn on the Court of Directors; do you recollect the circumstances under which that was drawn?—I have not an accurate recollection, but I think the government of Bengal authorized us to do it rather than draw on Bengal.

4935. Do you recollect whether the drawing so large a sum affected the exchange?—I think the exchange was at that time 4*s*. 6*d*. or 4*s*. 4*d*. the dollar, which, as compared with the exchange now at 4*s*., was high.

4936. You never found any difficulty in obtaining money for bills on the Supreme Government?—No; not when we gave an adequate exchange. We have endeavoured sometimes to lower the exchange too much, and in that case we failed. The merchants preferred sending their bullion to India to taking our bills.

4937. Do the merchants receive to any great extent bullion for the opium and cotton they export to China?—It is understood that the opium is almost wholly paid for in bullion, being a clandestine trade; and in fact any other payment would be useless to the sellers of opium; they could not take goods; there is no vend for them.

4938. In whose hands is the country trade to China?—Chiefly in the hands of the mercantile houses of Bombay and Calcutta; large mercantile houses.

4939. Chiefly British houses?—Almost entirely British houses.

4940. Not with Madras?—There is a very small trade with Madras; there passes only one private ship, I think, annually between Madras and China.

4941. Is any quantity of British manufactures sent to China by means of the country trade?—Latterly a great deal of cotton manufactured goods has been brought to China by country ships, which cotton goods had been unsaleable in the Straits of Malacca.

4942. Have those cotton manufactures found a ready sale in China?—I understand by no means a ready sale.

4943. Have any woollens been sent by the country trade?—I cannot charge my memory with recollecting any woollens being sent to China of late years; some years since I recollect a quantity being sent from Bombay, which were not allowed to be landed.

4944. Is there at present any impediment thrown by the government of India, or the Factory in China, in the way of sending British manufactures through the country trade to Canton?—I should rather think not; but I am not quite certain on that point.

4945. There was at a former period?—Yes; the officers of the Company's ships were prohibited from exporting woollen goods to China, but within the last five years the Court of Directors have allowed them to enter into that trade freely; I should therefore imagine there is no prohibition whatever on that trade now.

4946. Is the country trade a direct trade to China, or does it pass through the Eastern Islands?—A direct trade.

4947. Then is Sincapore a dépôt for the produce of the Eastern Islands?—Yes; country ships come partly laden with cotton, and they fill up with the produce of the Eastern Islands—with rattans and such small articles.

4948. What are the principal articles, in addition to the dollars, received in exchange for the opium, which the country trade carries back to India?—Tea, sugar, silk, drugs of various kinds: the annual statements of the trade which are sent home to the India House will shew that accurately.

4949. By far the largest portion of those returns are made in dollars, are they not?—At Bombay there is a larger demand for Chinese produce than on the other side of India; there is always, in addition to the returns made by the Company's bills, a large annual export of silver to Calcutta and to Bombay.

4950. Do the officers of the Company's ships purchase any other articles than teas?—Drugs, raw silk, and nankeens are the principal articles.

4951. Do they purchase nankeens to any extent?—I believe within the last three or four years they have not; previously to that they did.

4952. The Americans have given up, to a great extent, the purchase of any articles but teas, have they not?—So I understand. As regards silk manufactured goods, I have heard American agents state that they could be better supplied from England than from China; and that they expected, in a very short time, the English silk manufactures would entirely supplant those of China in the market of the United States.

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4953. When you extended the demand for black tea, did you find any difficulty in obtaining it?—We extended the demand for black tea very gradually, and have never found any difficulty in getting a sufficiency.

4954. Is there any difficulty in obtaining an increased supply of green tea?—We have never been able to get as much green tea as the indents from London required, notwithstanding the prices which we gave.

4955. Is it understood that it requires a peculiarity of soil and climate for the production of it?—I have understood that tea of one kind or other is grown over a very large part of China, but that tea which suits the quality of our market is grown in only a few provinces; the black tea in the province of Fokien, and the green in those of Che-Kiang, Kiang-nan, and Kiang-Si.

4956. Is it understood that the Russians are supplied with tea from a totally different part of the country, and with tea of a totally different description?—They are supplied from the black tea country with that species of tea called pekoe; the same species is brought to London; it is the most expensive kind of black tea which is made, and with us is only used to intermix with other teas.

4957. Is it understood that the woollens are sent to every part of China?—So it is said.

4958. Are they subject to heavy duties of transit?—There is a considerable transit duty on the frontier of every province, to which they are subjected.

4959. Do you happen to know the additional price placed on those woollens by the time they arrive at Pekin?—I have not a memorandum of that.

4960. Do the woollens of England appear to be in use in Pekin?—When we were at Pekin the weather was exceedingly hot, when woollens were not used at all; it was in the height of summer.

4961. Did you understand that they were in use?—I think it was said not extensively.

4962. Did you understand that the manufactures of Russia were in use at Pekin?—I did not hear any thing respecting the Russian manufactures when we were there.

4963. Did you see any articles of Russian manufacture?—None.

4964. In what way are the officers of the Company's ships remunerated?—They have a small monthly pay, but their chief emolument arises from the shares of tonnage; about a hundred and three tons per ship are allotted to the commander and officers in the outward voyage from England to China and back again; in the voyages between India and China, two-fifths of the

whole tonnage of the ship are allotted to the commander and officers.

4965. And the hundred and three tons between them in coming home?—Yes; between the captain and officers out and home.

4966. The teas purchased, and all the articles purchased by the Company's officers at Canton, are sold by the Company at their sales in London, are they not?—Yes; they are all taken into the Company's warehouses, and sold at the Company's sales.

4967. What duty do the officers pay to the Company upon that sale?—Upon tea, a duty of twenty-five per cent. is payable to the Company.

4968. In addition to the government duty?—Yes.

4969. That duty, therefore, is to a certain extent a compensation to the Company for the loss of the tonnage allowed to officers?—Certainly.

4970. Is it understood that the officers make profitable purchases of tea, notwithstanding the payment of the twenty-five per cent. duty?—I understand that very few officers in the direct trade between England and China derive much profit from it.

4971. Do they derive profit from the circuitous voyage?—Those voyages are occasionally very profitable. The commanders speculate in cotton; sometimes they gain; sometimes they lose; but upon the whole it is considered as a very gainful voyage.

4972. In what manner do they realize their fund in China for the purchase of tea in the direct voyages?—They have all small adventures outward bound; articles of small amount; in addition to that, I believe, they draw bills on England.

4973. Their situations are understood to be very valuable, are not they?—I do not consider the situation of a captain in the direct trade between England and China to be at all valuable; but it is believed that the circuitous voyages are profitable; considerable sums are paid to obtain the command of a ship, as has been supposed.

4974. In general, it is considered that they are much more highly remunerated than the commanders and officers of other trading ships, is it not?—As compared with the commanders of the ships which the Company hire for the conveyance of tea to Canada, they certainly are. I am not well acquainted with the remuneration given to the commanders of merchant ships generally in the other services.

4975. As far as your experience goes, do you apprehend that the Company derive any advantage from carrying on their trade with Canton in large ships instead of ships of smaller tonnage?—In larger ships the teas are more quickly taken on

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board, more readily stowed, and less injury and less breakage arises. I have understood there is a very considerable difference found in London between those brought in large and in small ships; those brought in the large appear to be in the best condition.

4976. Do you apprehend that a vessel of twelve hundred tons has in that respect a decided advantage over a ship of six hundred tons?—I can speak only from hearsay; I cannot speak from my own knowledge.

4977. Have you ever heard the value of that advantage estimated?—No, I have not.

4978. In point of security, do you apprehend a ship of five or six hundred tons to be as safe as a larger ship?—I believe a seaman would consider her quite as safe.

4979. Did any collisions take place between English seamen and Chinese while you were there?—There have been three or four cases of homicide committed by English seamen on Chinese while I was there.

4980. What measures were the results of those homicides?—The Chinese immediately addressed the Select Committee, and desired they would find out the guilty persons and deliver them up to them. The Committee professed a perfect readiness to do so, and endeavoured to find out the guilty persons; but in no case were they successful in bringing the charge home to any particular person, therefore they refused to deliver up any person. Upon that the trade was suspended; and here ensued a long discussion, which generally lasted six weeks or two months, at the end of which time some compromise took place. The Chinese allowed the trade to be reopened, and forewent the demand for the person to be delivered up.

4981. Do you apprehend the power exercised over the trade in the Company's factories could be as well exercised by a King's consul?—I apprehend not; because the Factory derive great influence over merchants by means of the trade which is in their hands, and the merchants have it in their power to influence the officers of government by their representations and explanations.

4982. As regards the country trade, could not a King's consul possess the same powers as are now in the hands of the Company's factors, and exercise those powers with equal efficiency?—I apprehend that he might do so.

4983. If the interference of a King's consul only took place when it was decidedly for the interest of trade that it should be exerted, would not the whole commercial influence of the merchants at Canton go with the consul, and place him in the same position in which the Company's Factory now stand?—I doubt whether the British merchants could be persuaded to

suspend their private transactions for the sake of any general benefit; therefore I consider they would not act cordially with the consul in suspending the trade, in order to induce the Chinese government to come to any reasonable terms in cases of dispute. We have seen on a late occasion that the Americans rather gave up a man whom they knew to be innocent, than submit to a detention of their ships.

4984. If power were given to a King's consul by law over British traders at the port of Canton, in what manner do you think the consul could be best enabled to exercise that power; would it not be necessary that the ship's papers should be deposited with him?—That I conceive would be the most effectual manner of giving him a control.

4985. Do you apprehend that smuggling could be carried on as well on the coasts of China as it is in the mouth of the harbour of Canton?—An experiment was made about four or five years ago; three or four small ships went with opium to the coast of China, and I understand their success in disposing of it was very small; so much so, as not to induce a repetition of the experiment. I know of no other attempt which has been made to force a trade on the coast of China.

4986. Is there considerable intercourse carried on between Manilla and Canton?—A good deal of intercourse in small vessels between Macao and Manilla.

4987. By whom are those small vessels navigated?—They sail under the Spanish and Portuguese flags; but it is understood that a great many of them are the property of Chinese resident in Macao or Manilla.

4988. What are the cargoes of those ships?—They import the produce of the Malay Archipelago—rattans, betel nuts, birds'-nests, black-wood, and the general produce of the Malay Archipelago.

4989. Is there any trade now between the north-west coast of America and China?—I think there is generally one American ship about every two years, which comes from the north-west coast of America to China.

4990. Do the Chinese carry on any considerable trade with Japan?—I understand they are allowed to trade only in one part of Japan; and that they are more restricted and watched than even the Dutch, who are allowed to trade to the port of Nangasacky.

4991. Are great facilities given to trade in the port of Canton?—I believe there are greater facilities there than in almost any port in the world.

4992. Can the Chinese talk English enough to make it easy for Europeans to deal with them?—The whole commerce of the port of Canton is carried on by means of broken English.

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4993. So that an Englishman arriving at that port would find less inconvenience than he would in a port of France or Italy? —I should conceive so.

4994. Do you apprehend that, as regards the purchases of all teas in China, the Company carry on their trade as advantageously as any private individuals?—I should say, certainly.

4995. That if an individual makes profit by his purchases of teas in China, the Company could do so without the advantage of any monopoly?—I see no reason why they should not.

4996. Their purchases in China being effected as cheaply as those of individuals?—Certainly.

4997. So that if any greater difficulties are thrown in the way of their conducting their trade, under present circumstances, than in the way of individuals in conducting that trade, they must arise from charges not connected with the original purchase of the teas; greater freight, or greater charges in this country, or other circumstances not connected with the original purchase of teas?—Yes; they certainly have every advantage in carrying on the trade which any individual could have.

4998. Do not their large capital and their long establishment in the country give them great facilities?—I think so.

4999. Would it not be difficult for any individuals to contend against them on equal terms?—I do not see why a mercantile house provided with adequate means should not enter into the trade on nearly the same terms.

5000. But their capital and their long connection with China would give the Company great advantages?—It would give them some advantages, no doubt.

5001. Have there been any improvements in the quality of the cotton which is imported into China from India?—The importations of cotton wool from India vary very much in quality; some are good, and some are very indifferent. The Chinese frequently complain of portions of the importations of cotton being discoloured and of bad quality. The very best cotton wool imported into China is brought by the Company. I do not however mean to say that the whole of the Company's cotton is superior to that imported by private merchants.

5002. Is no American cotton introduced into China?—I think an experiment was made with a few bales once, but that it was found not to answer. It is more expensive than the Indian cotton. The Chinese would not give a price equivalent to the difference of the invoice cost of Indian and American cotton.

5003. In the event of a reduction of the duties on tea in this country, and a greater demand arising in consequence, would there be any difficulty in obtaining a proportionate increase of quantity in China?—With regard to the green teas, we have

found that the quantity produced has very slowly increased, notwithstanding we have exerted ourselves much to have it increased. With regard to black tea, I imagine that the quantity might certainly be gradually increased. We have never yet been able to obtain a full supply of green teas of suitable quality. 8 June 1830. — *F. H. Toone, Esq.*

5004. You were understood to say that in some teas you have had difficulty, in consequence of competition with the Americans?—Yes, in some species of the green teas.

5005. They offered higher prices?—They outbade us. A great part of our green teas we secured by previous contracts; those of course were delivered to us; but when we wanted others, and wished to purchase in the market teas brought down by individuals with whom we had not contracted, it has occurred that we could not deal with them, the Americans giving higher prices than we thought ourselves justified in giving.

5006. Are the cotton goods exported from this country by the Company of the same description as those worn by the mass of the population in China?—They are chiefly such as the Chinese use in their garments; longcloths they call them.

5007. They were calculated for the wear of the poorer classes of people?—Exactly so; similar to the Chinese, but finer in fabric.

5008. You state that the Chinese cottons are, taking quality for quality, cheaper than British cotton?—Their cotton manufactures they say themselves are cheaper; they wear so much longer. The prime cost is dearer.

5009. How do they spin their cotton; by hand or machinery? —By hand.

5010. Do you know any thing of the comparative prices of that cotton spun by hand, and cotton twist manufactured in this country?—I am not able to give that information. The exports of cotton twist took place after I left China.

5011. You do not know to what extent any attempt has been made to supply the cotton twist from hence?—No; I merely heard that such attempts had been made by the Company and by individuals, but I am not accurately informed. I think the last year there was a large shipment by the Company.

5012. Have you understood there was a ready sale for cotton twist?—I have heard that there was a prospect of its paying the cost and charges, and that in consequence the East-India Company were going to export some.

5013. Are the various sorts of tea, whether black or green, now imported into this country, the same as used to be imported formerly in the earliest stages of the trade?—Very much so. The tea upon the whole has been improved in quality by the

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attention which has been paid to it; for instance, that called bohea now is very superior to that which bore that name fifteen or sixteen years ago.

5014. But it is the same tea, only more carefully prepared?—Yes; it is the lowest kind of black tea, but it is more carefully assorted, so as to exclude the coarser leaves of the plant.

5015. It loses its flavour by being kept, does it not?—Green tea does lose its flavour, but black tea is said to keep for two or three years without injury, if kept in a dry place.

5016. When the Company contract for teas, do they require the teas of a certain season?—The leaves of which the contract teas are made are picked and manufactured between the months of May and August, and are shipped during the succeeding winter.

5017. At what time are they brought into the market here?—They remain, I believe, a year in the warehouses; there is always a year's stock in the warehouses on hand. They are nearly a year old by the time they arrive in England; then they remain another year in the warehouses.

5018. You stated that there were heavy transit duties on woollens in China; do you know how they are levied?—At custom-houses, which we saw as we passed through the country, between one province and another.

5019. How are the goods carried?—By the canals.

5020. Do you know to what extent the duties raise the price of the woollen goods before they reach the northern provinces of the country?—I cannot say.

5021. Are the duties evaded?—There is a great deal of smuggling carried on in China. The interior of the country is said to be well supplied with opium, the whole of which must be smuggled.

5022. How are the Russian teas conveyed from China to St. Petersburgh?—I am not aware how they are sent; I should think they go by the grand canal to the north, to Pekin. I am not aware of the route between Pekin and Kiatca.

5023. Do you know the length of time it occupies in conveying them from Pekin to Petersburgh?—No, I do not; we were four months coming down from Pekin to Canton.

5024. You stated, that a large ship had great advantages in the stowage of the tea, as compared with a smaller one?—The chests are stowed much more rapidly, are less liable to be broken, and less damage is found to occur in the cargoes.

5025. In what respect is there greater damage as regards the voyage on board a smaller ship than a larger one?—The Company employed small ships to take teas to Canada, and have occasionally freighted with the same article small ships from China to London. I have heard that the teas taken in

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those small ships were in a much worse condition than those taken in the large ships; that the packages were more broken, and they were injured also by leakage. In the year 1815 there was a number of small ships employed in the China trade, and I understood the teas taken by them turned out badly, in comparison with that imported in larger ships.

5026. Should you think that a land carriage of several thousand miles would be less likely to damage packages than a long voyage in a ship of 600 tons?—No. I should think they would be extremely liable to be damaged in a long land carriage. We know that a great deal of damage arises in bringing down the teas to Canton from the tea country; there is a considerable loss sustained therefrom in every year.

5027. The question refers to the transit to Petersburgh?—I imagine that there is a great deal of damage sustained by the article during such a transit.

5028. Is it not understood that the tea sold in Russia is of very good quality?—Yes; but it is packed in small packages, and consists of the most valuable sort of tea only. I suppose there is more care taken of such an adventure than could be given to the vast importations of tea into Canton.

5029. What is there to prevent a person packing chests of tea safely in a small vessel as well as in a large one?—It would take a great deal more time to load them.

5030. What difference of time do you conceive there would be?—That question I am not qualified to answer; the matter has been a subject of conversation with the captains who are engaged in stowing their ships with tea, and that is their opinion.

5031. Do you think there would be more difference of time in stowing teas than other commodities?—They are obliged to use a great deal of care in consequence of the tea-chests being made of fragile wood. In what precise degree a large ship is better adapted than a small one for the conveyance of tea I am not qualified to decide.

5032. By what class of persons are the long ells worn; for what purpose are they used?—Generally for furniture; but they are also worn by shopkeepers, and the general class of labourers.

5033. For curtains?—Yes; and coverings of chairs and tables, and beds.

5034. Are they the same sort of cloth called furniture cloth in this country?—I never saw them used in this country. It is a thin manufacture.

5035. The demand for them, you say, has fallen off in China?—It has not increased; the exports certainly have diminished, as compared to what the export of 1820 was.

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5036. If other persons export an equal quantity, then the demand cannot be said to have fallen off?—No; supposing that be made to appear.

5037. Camlets are universally used in China, are they not? —No, they are not; they are used chiefly for furniture, more than for clothing.

5038. Do you know in what manner the Americans conduct their trade with the outside merchants; do they carry it on as a trade of barter, or make it two transactions?—The Americans generally go into the market provided with dollars, therefore barter does not enter into their transactions.

5039. When they offer manufactures, what is done?—They sell manufactures to a small extent, and they observe a great deal of secrecy as to their mode of disposing of them.

5040. Have you heard it stated that the Americans make a profit on the export of British manufacture?—So I have seen that stated in printed papers.

5041. From your knowledge of the trade, can you understand how that occurs?—I should not have expected such a result, from my knowledge of the trade.

5042. They either must purchase their manufactures much cheaper than the Company, or sell them dearer, to bring about that result?—Certainly they must. The Company sustain a loss on their exports generally; the Americans affirm that they derive a profit.

5043. They sustain a loss, though the tale appears to be worth 6*s*. 8*d*. in their accounts, being really worth 6*s*.?—Yes.

5044. Are any part of the imports the Russians introduce into China woollens?—I understand they do introduce into China a good deal of the produce of Saxony.

5045. What description of goods are they; the finer woollens, or the coarser?—We had some specimens sent down to us a few years ago of the coarse woollens, and in consequence of that we sent them to England, and had cloth of the same kind manufactured and returned to Canton; but it would not realize the cost and charges, and the experiment was not repeated.

5046. Do you not conceive the cost and charge of conveying Saxon cloth to China by land greater than that of conveying to Canton by sea, and then sending them up the country?—That I am not able to say.

5047. Have there not been occasions on which the junior Hong merchants have lent their names for the purpose of conducting transactions directly with the country merchants?—The junior merchants were very much embarrassed, and in fact bankrupts; the Company's servants wished to support them, to keep up a number of persons with whom they might deal; and, on their part, they contracted with country merchants for the

delivery of teas, which were paid for at once, direct from the Company's factory. The object was to keep up a number of Hong merchants, that we might not be placed entirely within the control of three or four senior Hong merchants. 8 June 1830. F. H. Toone, Esq.

5048. Practically you stood, in your dealings with the country merchants, in the position in which the Hong merchants usually stand; engaging with them directly for the price of the teas? —Yes.

5049. Did you find that you contracted on better terms?—The contract was made with the country dealers on the same terms on which the senior merchants contracted with their dealers; the teas were brought to the Company according to the scale of prices adopted by the tea trade generally.

5050. Did you not in that case make, as an additional profit, the profit of the Hong merchant, deducting only that paid to the merchant for the use of his name?—The profit went of course to the junior Hong merchant; he had the whole profit allowed to him, as a mode of paying off his incumbrances. The object was to restore them to a situation of efficiency, that they might bear competition with the senior and richer merchants.

5051. He was allowed to have the same benefit as he would have had if he had traded with his own money?—Yes; just so.

5052. It has been stated that the teas brought by the Americans and others to Europe and elsewhere are of inferior quality to those imported to this country by the Company; is that so? —I believe they are so generally.

5053. Do you conceive that that tea of an inferior quality, so imported into Europe, is inferior to the mixture of dry sloe and ash leaves sold in this country for tea?—That is very probably not the case; but never having drank tea abroad, I cannot say. But the Americans think that they drink better tea than we do here, though they acknowledge that the tea they export from Canton is not so good as ours.

5054. Why have the East-India Company never endeavoured to introduce into consumption in this country that inferior kind of tea?—I believe it is because the tea-brokers, and those most conversant with the trade, have strongly recommended to them not to introduce that kind of tea; and that they acted upon the recommendation of the tea trade.

5055. Would the brokers have the power of imposing such a restriction upon the sale of tea if the importation of tea was more open in this country?—The brokers have the best opportunities of getting information, as I understand, regarding the peculiarities of the market. In the despatches we have received from the Court of Directors, they have always dwelt

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on the necessity of our keeping up the quality of tea, by not sending any such as would bring the article into discredit.

5056. Were you in China at the time the Americans first engaged in the trade to Canton?—There was a large trade carried on by the Americans when I first went out, in 1805.

5057. Can you state that the improvement in the American teas has kept pace with the improvement which you describe to have taken place in the teas of the East-India Company?—I have no means of answering that question.

5058. Are you aware of any instances in which English, European, or foreign capital has been lent to the hong or other merchants at Canton, so as to establish a direct interest between them and foreigners?—The junior merchants, and indeed all but two or three of the senior Hong merchants, have been in the habit of trading on capital furnished them by the houses of agency and others in Canton.

5059. Are such transactions carried on without any difficulty from the Chinese government or the Chinese laws?—I believe the Chinese laws will not recognize the right of Chinese to borrow money of Europeans.

5060. But, practically speaking, are such loans made, and the benefit of them received, without inconvenience, by foreign agents or capitalists?—I consider the agency houses to which I allude would, in a majority of cases, not have advanced money to the merchants without an understanding, that if the teas on which it was advanced were purchased by the Company, the money should be returned to them from the Company's factory, without going into the merchant's hands.

5061. Then they have to a certain degree the security in their own hands?—In that case they have security, and that to a considerable extent. If the teas, when brought to Canton, prove of such an inferior quality that the Company will not purchase them, then the lender would have no security but the honour of the Hong merchant.

5062. Are such loans made upon interest, or the expectation of receiving a participation of the profits?—In all cases of which I am informed, the loans were made at the rate of interest of one per cent. per month.

5063. Do you conceive that to be the established interest in China, or the particular interest attaching to those transactions? —I have understood that to be the usual rate, but I have known one and a-quarter per cent. paid by Hong merchants who have been obliged to borrow. A good deal of the trade of the junior merchants of late years has been under the control of the Company's Committee. From the distressed situation of those merchants, we could not allow any of our imports to go into their hands until the money for which they were sold was

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brought to the factory. In some of those cases a deduction of one and a-quarter per cent. was made on the price given by the native dealer who purchased the goods of the junior Hong merchant, in consequence of prompt payment.

5064. Has any capital been advanced in the way you describe by Americans?—I have understood, largely; but there was no understanding between the Company's servants and the Americans with regard to the capital so advanced. I know it is a fact that large sums have been advanced by one American merchant to Hong merchants.

5065. Have you understood that the Americans have experienced any difficulties with regard to the reimbursement of such goods, or the profits arising from their employment, which have not been experienced by English merchants making similar advances?—No; I am not aware that they stand in a worse situation; excepting the cases in which certain British merchants advanced cash to Hong merchants, with an understanding with the Company's servants. That has been mentioned above.

5066. Will you state the causes of the distressed situation of the junior merchants at Canton?—The improvident conduct of the merchants, and their speculative habits.

5067. You stated that the teas furnished to the Americans were of inferior quality to those furnished to the Company; do you apply that observation to all descriptions of teas, or only particular descriptions?—We understand, generally, that the quality of their teas is inferior to that of the East-India Company.

5068. Do you apply that observation to green teas as well as others?—Yes; they export but a small quantity of black tea.

5069. You were understood to say that they gave such high prices for green tea as the Company did not feel justified in going to?—They gave high prices for teas of low qualities, which we did not feel justified in giving; that occurred in 1825 and 1826.

5070. Their competition increased the price of green teas, did it not?—Yes, in 1825 and 1826; but it has fallen since.

5071. Is green tea as cheap now as it was before that competition commenced?—I have not heard the prices of green tea since I left China, but they had fallen before I left. The price of twankay, which forms the bulk of our green teas, has remained the same for many years past.

5072. Is the larger quantity of green tea now delivered of the same quality as the smaller quantity was formerly?—Yes, it is, I believe, of the same average quality.

5073. But there has been great difficulty experienced in obtaining the additional supply?—We have always given the

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Hong merchants larger orders for green teas than they executed; they declared they were unable to procure green tea sufficient to meet our annual orders.

5074. That is, at the same price at which the smaller quantity has been before delivered?—Yes; at our fixed prices.

5075. Did they ask an increase of price, and say, that if they had an increase of price they could supply a greater quantity? —No, they did not. The bulk of our green tea consists of twankay, and that is a species of tea in which the Americans do not much deal; therefore they never suggested that our prices were insufficient to induce the manufacture of more, but that they could not get a larger supply.

5076. What is the species of green tea in which the Americans chiefly deal?—Hysons, hyson skins, and young hysons.

5077. Young hyson is one of the most delicate and finest teas, is it not?—It has not been thought much of in England, I understand, or the Company's officers would import it largely into this country.

5078. Has there been any difficulty in obtaining an increased supply of black tea?—We have never experienced any absolute deficiency in black tea. Some years the quantity brought down to Canton has been only sufficient to load the ships; in other years 100,000 or 150,000 chests have remained unsold at the end of the season; and then the best of them were purchased by the Company at reduced prices, to be shipped the following season.

5079. Does the Factory make it a practice to sell every year all the woollens and other manufactures they receive in the course of the year, whatever the price which may be obtained for them?—Almost always.

5080. No matter what the price?—No; except in some very rare instance, they are always sold, as otherwise they would interfere with the exports of the following season.

5081. There have not been cases in which the Directors have been advised to send out only a portion of the supply the following year, in consequence of your not being able to obtain an adequate price?—We have occasionally requested them to limit their supply; but never wholly to suspend their import.

5082. Have you ever been able to form an opinion, whether it would be possible to obtain, in the course of five to ten years, an increased supply to the extent of five or ten millions of pounds of tea from China?—That is a speculative question; but I think that the supply of black tea may be increased, and that in case of a steady demand it might be gradually increased to that.

5083. Is it black tea which is in general use throughout the country by the inhabitants?—It is.

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5084. Is that tea consumed by the poorest persons in China? —Tea of some kind or other is consumed by the poorest persons; but a great deal we saw used as tea we were told was the leaf of some other plant, not tea.

5085. Is tea consumed throughout China?—So we understood.

5086. It is supposed to be cultivated by individuals in their gardens; by the lower orders of people?—It is said so. In the province of Fokien there are large districts covered with it; it grows on the hilly grounds.

5087. Does it require any particular soil?—A light hilly ground, it is said, produces the best tea.

5088. Is not the shrub the same for all descriptions of tea?—That has been a disputed question, but we rather conceive it is; that it is only the difference of culture and preparation makes the difference between black and green tea; the crops are picked in the spring; the first in May; there are three selections of leaves in the course of the year.

5089. Do you know how soon the tea plant bears leaves?—I am not aware of that.

5090. Do you know whether the Chinese government make great efforts to prevent opium being imported?—They publish annually two or three edicts, denouncing the strongest punishment on those who may be caught smuggling; but notwithstanding that the trade is carried on with the utmost facility. It has increased within the last twenty years from 3,000 chests a year to 12,000 or 14,000 chests.

5091. Do you conceive that the efforts to prevent it are chiefly confined to those edicts?—They employ revenue boats to cruise and intercept the smugglers; but the commanders of those boats are understood to be bribed, and often to be the persons who convey the opium from the ships to the coast.

5092. Do not you apprehend that there would be a considerable demand in this country for that species of tea which you conceive the tea-brokers are averse to the consumption of?—I should think they were the best qualified to judge of the kind of teas suitable to the market. We have always understood that the way to extend the consumption of tea in this country was to maintain the quality of the article; such has been the principle always held out to us for our guidance in China.

5093. You think that in excluding that species of tea they have acted solely on that ground?—I conceive so. There is a very large quantity of cheap tea sent to England, but it is always of a sound and good quality. The prices of teas are very much diminished at the Company's sales, in consequence of the vast quantities put up; the average price has been much decreased.

5094. Is there any species of European woollen manufacture

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The witness is directed to withdraw.

Ordered, That this Committee be adjourned to Thursday next, one o'clock.

Die Jovis, 10° *Junii* 1830.

The LORD PRESIDENT in the Chair.

JOSHUA BATES, Esq., is called in, and examined as follows:

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5095. You are an American merchant, are you not?—I am an American; I have resided here for the last twelve years as a merchant in this country.

5096. You have been largely connected with the trade with China, have you not?—Since my residence here, I have been connected with the trade to China and other parts of India; and for many years in America I was connected with the India trade.

5097. Are you a partner in any house in China?—I am not; I am now a partner in the house of Baring, Brothers, and Company, of this city.

5098. What is the nature of your connection with the China trade?—Baring, Brothers, and Co. have managed as agents for a house largely connected with the China trade residing at Boston; they have a branch at Canton; we have acted as their correspondents here.

5099. Is this part of the concern of Baring, Brothers, and Company?—It is; it is a part of their business.

5100. What interest have you in the trade conducted by that house; merely that of an agent?—Merely that of an agent for the house at Boston.

5101. You receive a commission upon all purchases in this country?—We receive a commission.

5102. Do you sell in this country for that house?—Until recently we did not; latterly we have sold considerable quantities of raw silk, received by way of the United States.

5103. Raw silk imported into the United States from China, and from thence into this country?—Yes.

5104. Has silk been imported into this country, under those circumstances, to a great amount?—Probably to the extent of two or three hundred thousand pounds sterling; perhaps one hundred thousand pounds in the course of the year.

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5105. Is that raw silk only?—Yes; there are importations of silk manufacture in the same way.

5106. Have those importations been conducted through your house?—A great portion of them.

5107. Have they been to any considerable extent?—I do not recollect precisely the extent, but I should think to the extent of twenty or thirty thousand pounds.

5108. Has that importation of raw silk from America been profitable?—It depends on the fluctuations in the market; at times it has been profitable, at other times there has been a loss; last year it was rather a losing trade.

5109. Has the American trade with China, as far as it has been conducted in manufactures, been an increasing trade of late years?—So far as my knowledge goes, it has rather increased; I cannot speak positively as to the whole of it, but I should be inclined to think it had increased; that which has been under our management has increased.

5110. Can you state what articles of manufacture, others than those transmitted by you to China on American account, form part of the American investments in a voyage to China?—I am not aware that there are any other articles that are not included in the shipments we have made. I believe we have sent, generally, many things which have not been sent before, as an experiment.

5111. Will you enumerate the different articles of manufacture which you have exported from hence to China?—I will state those which are generally known; it not being a business which is our own, I do not know whether it would be right for me to state the particulars of articles which may lead to profit, and which belong to the house in Boston; but the articles we have shipped are chiefly those which are shipped by the East-India Company.

5112. Woollens and cottons?—Yes, and metals; and opium has been a great article; there are many other articles, but I believe they are unknown to the public; and it would probably injure our correspondence were I to name them so precisely as that any other person could come into competition with them in the shipment of them.

5113. Has their export of woollens increased?—I think the past year of shipment has been larger than it had previously been.

5114. Can you state the amount of it in the past years?—In the year 1826, it was £120,000; in 1827, £82,000; in 1828, £98,000; in 1829, £147,000; to 1830 I cannot speak precisely, but I remember one cargo alone was £160,000, but that included a considerable portion of opium; I think, however, it has been larger during the present year than at any former period.

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5115. Do you think that those adventures have been upon the whole profitable?—I have no doubt they have been profitable to a certain degree; that they have not given large profits, but there has been a regular small profit upon them; that is my impression, though I had not the settlement of these matters, and therefore cannot speak positively.

5116. Have you exported any large quantity of cottons?—Generally there are a considerable proportion of cotton manufactures in the different investments.

5117. The account you state was the total amount of value of the whole exports?—Yes, the total amount of value of the whole exports by the house with which I am connected.

5118. Can you state what proportion of that amount consisted of woollens?—I should think two-thirds of the whole amount, except this year; there was a large exportation of opium in the operations of this year, which alone amounted to £100,000.

5119. Was the export of woollens less this year than in previous years?—More; the cotton goods were rather omitted this year.

5120. What has been the value of the cotton manufactures exported in each year?—I am not able to answer that question very precisely; I should think to the extent of £30,000 to Canton alone; that does not include the Manilla market.

5121. Has that been an increasing export?—Since the year 1819 it has increased very much to that quarter; perhaps during the past year or two the business has been rather overdone to the Manilla and Batavia market, and to Sincapore, which has rather diminished the direct shipments to Canton.

5122. Are you aware that it appears by the accounts presented to Parliament, that there has been a very considerable diminution in the American trade to China of late years?—I am aware that it has diminished after the year 1826; I think the trade was very much overdone at that time; that, like the trade of all other places, there has been a diminution since that period; but it is now recovering again, and probably, during this year, it will be greater than it was the last.

5123. At what period do you consider the trade to have been overdone?—In 1825 and 1826.

5124. By the account before the House the imports into China in 1825 and 1826 appear to have been smaller than in previous years?—Perhaps it will be necessary to take the year previous to that as showing it. The imports into China by the American vessels in the years 1825, 1826, and 1827, were 7,913,810 dollars, the exports during the same period 8,335,788 dollars; in 1826 and 1827 the imports have fallen to 4,243,617, and the exports to 4,373,891.

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5125. From what paper do you take that statement?—This is a statement furnished by the correspondents of our house.

5126. Have you compared that with the paper number 25, in the papers presented to Parliament in the last year?—I have not compared it, but I believe it corresponds with that paper. I have it for twelve years, from 1815-16, and I find it set down in 1824-25 rather higher; 8,900,000 dollars.

5127. Does the paper in your hand distinguish the sale value of merchandize imported into China by the Americans from the value of the bullion or the dollars?—It does not; it includes merely the value in dollars of the imports and exports.

5128. Have you any knowledge of the value of merchandize imported into China by the Americans in each of those years?—I could give a statement of that, I have it not here; generally, I should say it was somewhere near five millions of dollars in specie.

5129. Can you state the value of the merchandize imported in each year?—I could give a statement of it, but I have not the statement with me; it is contained in a book.

5130. By the account presented to Parliament it appears that the largest import of manufactures upon the part of the Americans into China took place in the years 1821-22, in which year that import amounted in value to 3,074,741 dollars, whereas in the last year in this account, 1826-27, that import amounted only to 2,002,549; have you any means of stating in what articles of manufacture that import had fallen off?—I am not able to state precisely on what articles the import had fallen off. I should infer from the statement that probably in that year there was a large importation of furs from the north-west coast of America, and probably a good deal of ginseng from the United States—an article that sometimes bears a great price in Canton.

5131. By the account it appears that the importation of furs was greater in the year 1823-24 than it was in the year 1821-22; is the value of those furs considerable?—In former times it was very considerable; to the extent, I should think, in some years, of a million of dollars; but latterly, I think, it has fallen off, perhaps half a million.

5132. It appears that in the year 1806-7 the total number of furs imported amounted to 298,949, and in the year 1811-12 to 367,215; that in the year 1825-26 the import was 65,958, and in the year 1826-27, 73,575; can you explain to what circumstances that great diminution is to be attributed?—In the early period named the trade was much more lucrative, there were a greater number of ships engaged in it, and the price of furs at Canton had been maintained at the same rate; but of late years the trade has dwindled to a very trifling amount; there

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are very few persons engaged in it, and it does not yield much profit.

5133. Can you explain under what circumstances that trade has so much fallen off?—I am inclined to think the limits of the trade are rather reduced by the regulations of the Russians; they are not allowed to cruise so far north as formerly; and probably from this that there is a scarcity of furs; that they cannot collect so many as formerly, particularly the fur seals; the number is very soon reduced.

5134. Are they the sea otter skins?—Yes, in part.

5135. Are you acquainted with the expense of the establishment of the house in China; the number of persons engaged in carrying on their business?—Formerly there were Mr. Cushing, and he had a clerk, and sometimes he might have two; latterly there has been Mr. Forbes, and he has had a young gentleman with him; there is no other establishment beyond that of the servants in the Factory.

5136. What may have been the extent of exports from China which may have passed through their hands in the course of a year in value?—It varies considerably from year to year; some years it has not been more than a million of dollars, in other years it has amounted to two millions, or more.

5137. Has that house been in the habit not only of conducting at Canton their own business, but likewise acting as agents for other persons?—They have been confined to their own business for the last eight or ten years.

5138. Are you aware of the amount of commission charged by agents at Canton?—The established commission, I believe, is two and a half per cent. for American business; they generally return to the supercargoes one per cent. and that, I believe, varying I suspect according to the sort of bargain they make at the time.

5139. The real commission paid to the agent, then, is only one and a half per cent.?—The general commission is two and a half per cent., and every ship which goes there has a supercargo who is charged to manage the ship; he endeavours to make the best bargain he can with regard to commission, and I should suppose that at least one per cent. was returned to him, which forms his portion of the profit.

5140. The whole is two and a half, and the advantage to the agent is one and a half?—Yes.

5141. With whom do the Americans conduct their trade at Canton; with the Hong or the outside merchants?—Generally with the Hong; but they trade with the outside merchants whenever they find it for their interests.

5142. Did you ever understand that they had experienced a difficulty in procuring all the green tea they required?—Green tea is not so abundant as black, but I have never heard that they found any difficulty in obtaining as much as they wanted; it certainly yields a greater profit at the present moment than any other kind of tea, and from that it might be inferred that there is a deficiency of it; but it never occurred to me before.

5143. Has the export of green teas altogether increased from Canton of late years?—I should say it has considerably increased.

5144. Do the Americans purchase their tea on as good terms as the Company?—I have no doubt they do, on quite as good terms; they sometimes buy on contract, but more generally in the open market, after the teas have arrived.

5145. You mean by buying by contract, that they have made a previous contract for the delivery of so much tea without seeing it?—Yes; so much tea of a given quality. The tea is brought in November and December.

5146. What proportion do you apprehend the quantity of tea they purchase on contract bears to the total quantity they purchase at Canton?—For the Americans I should say it bears but a small proportion, perhaps not ten per cent. on their tea.

5147. By whom is the tea brought into Canton which is sold in the open market?—It is brought by tea merchants from the interior.

5148. Is it brought by the same description of persons with whom the Hong merchants contract for the delivery of teas?—I cannot speak as to that, but I conclude the same description of merchants; perhaps not the very merchants with whom the Hong merchants may be in correspondence, but persons having tea from the interior.

5149. Do the Americans purchase their teas of those country merchants who bring the tea into Canton?—They buy from the Hong merchant, or from the outside merchants, who are another description of merchants, not from those bringing the tea from the interior.

5150. Are the Hong merchants purchasers of tea on their own account?—So far as they contract with foreigners; I have no doubt they make also a contract with the tea merchants in the interior; beyond that, I should not suppose they purchase very largely.

5151. When the Americans purchase teas in the open market, they purchase teas which have been contracted for by the Hong merchants?—Some of them do, those who buy from the Hong merchants; I should say those which the Hong mer-

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chants have contracted for, or which have been placed in their hands for sale from one or other of those causes.

5152. Has the price of green tea been increased by the competition which has taken place?—Particular kinds of green tea have advanced; imperial and gunpowder, I believe, is dearer now than it was a few years ago.

5153. Are not the Americans in the habit of buying some sorts of tea that do not ordinarily form a part of the investment of the East-India Company?—They are, particularly the high-priced green teas, which are very rarely brought here.

5154. Do you know what proportion in value of that investment consists of that description of tea which is not imported generally into this country?—I have here a statement of exports to the United States for the season of 1828-29; it would give an idea of the proportion of the different sorts of tea shipped to America. I can read the totals: of each kind of bohea, 700 chests; Souchong, 16,447 chests; Pekoe, 190; Hyson Skin, 17,778; Twankay, 5,707; Young Hyson, 24,169; Hyson, 10,512; Imperial and Gunpowder, 4,582; making a total of 80,498 chests.

5155. What is the weight of a chest?—From seventy-two to seventy-six pounds.

5156. It appears by the accounts presented to Parliament, that, in the year ending the 30th of September 1826, the quantity of tea imported into the United States amounted to 10,098,900 pounds, and in the following year, ending the 30th of September 1827, to 5,875,638; to what circumstances do you attribute that great falling-off in the year 1827?—The trade had been very much overdone; the consumption of the United States I should not consider more than between six and seven millions of pounds, therefore it was a very great excess of importation, which would naturally adjust itself; I believe there was at that time a great deal of money lost by importations of teas from Canton, and that the subsequent short importations have reduced the stock, so that the business is now in a wholesome state again.

5157. It appears that the exports of tea from the United States in the year 1826 amounted to 2,804,753 pounds, and in the following year to 1,626,417 pounds, the decrease being 1,178,336 pounds; can you account for the great falling-off in the export of tea from the United States in that year?—The export of tea from the United States depends entirely upon the state of the Dutch and Hamburgh markets; it is exported to those markets and to France; and I do not know whether any inference could be drawn from the fact, that the exportation was diminished or increased, only that the foreign markets furnished a better market than could be got at home.

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5158. Do you apprehend that the consumption in America varies much from year to year?—I do not think the consumption of America increases so much as it would in other countries; they are not great tea-drinkers; they are more generally consumers of coffee; the consumption, however, has increased pretty regularly.

5159. It appears that the exports of tea from Canton, for European consumption, were in the year 1825-26, 1,360,800 pounds, and in the year 1826-27, 357,966 pounds; do you apprehend that so great a falling-off in the exports of teas for European consumption from Canton in those years, taken in conjunction with the falling-off in the exports from America of teas in nearly the same period, would have taken place, had not the sale of American teas on the Continent been materially interfered with by the import of teas of other nations?—I should draw that inference from it, that the sale of teas of the American importations must have been interfered with by importations of other nations; of late years the Dutch Company has endeavoured to supply Holland fully.

5160. Is it understood that they have carried on their trade with profit?—On the contrary, with very considerable loss.

5161. They have however succeeded in materially interfering with the American trade?—For a time they have; for the present the Dutch Company have desisted; they have sent out only half their number of ships this year, and there is more room for Americans or for foreigners; the prices are now improved, yielding a small profit.

5162. Do you apprehend that, in consequence of that competition between the Americans and the Dutch, the price of tea during the last year, on the Continent, can have been considered to be a remunerating price?—During the last year it has paid a reasonable profit; up to last year it was difficult to gain by tea to the Continent.

5163. In your opinion, may the prices at which it has been purchased in the course of the last year on the Continent be considered as fair average prices, remunerating for the cost of import?—I should say they are, certainly.

5164. Should you say the same as to the price in America towards the close of the last year?—I could not say the same of the United States the last year; the early part of the present year, however, they have been obtaining fair prices.

5165. You would consider the prices of Boston and New York, in October and November of last year, rather below a remunerating price?—I should think they were; there has been a good deal of embarrassment in that section of the country, and, as is usual under those circumstances, there has been no

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5166. Are you aware whether the Americans import into China any manufactures bearing the same name as the manufactures of England, but not actually manufactured in this country?—I believe very considerable, that is, considerable for the United States; shipments have been made to Manilla and Canton of a species of cotton more resembling the white cottons of Bengal than any cotton goods manufactured here; they are stout goods; they have sold, I understand, very well; those goods have been imitated here at about two-thirds of the American cost, and the business from America, I believe, is at an end.

5167. Have you seen an account in the papers presented to Parliament last year, stating the quantities and value of British articles imported into China by the Americans in the years 1824-5, 1825-6, and 1826-7?—I have not read any of those accounts.

5168. Have the goodness to look at the account, page 46, and state whether, as far as you are acquainted with the course of trade, the manufactures there stated as British probably were of British manufacture?—I should say they were; there is a description of goods answering to the name of camlets manufactured in Holland, but the quantity is not great, and I am not aware that any were shipped during these years.

5169. Does the amount there stated as the value of British manufactures imported into China by the Americans in those several years, generally accord with your idea of what that value may have been?—In my opinion it does, about £200,000; it will have gone, I think, rather higher since that period.

5170. Are you of opinion that a British merchant would export British manufactures to China with more advantage than an American merchant from this country?—I do not see that he would have any advantage; Americans have the same privileges here; the only charge, I believe, they have to pay more than the British subject has to pay, is the scavage dues to the city of London, which amount to about one per cent.

5171. Are they not returned?—They were returned for a time; but latterly they have been insisted upon as respects any trade not direct to the United States.

5172. Do you expect there would be any greater exports of British manufactures from this country to China in the event of the opening of the trade to British subjects?—I think there would be a very considerable increase. There seems to be a complete revolution in regard to the trade of the East-Indies. The first ten years of my commercial life, I was engaged in receiving the very manufactures from India which are now carried

the other way. I have no doubt that the Chinese would receive manufactures of England, and that they would go into more general consumption, if it was in the hands of private traders, as it requires considerable management to introduce the different articles.

5173. If the Americans now possess and have for several years possessed all the facilities for carrying on that trade in British manufactures which would be possessed by Englishmen in the event of opening the trade, how is it, if that trade is capable of extension, that it has not been extended much more than it has been?—It is a trade which requires great experience in the details; there are very few persons in the United States who know any thing about it. It is a trade which requires a double capital, inasmuch as they cannot rely on the sales of the goods for the purchase of the return cargo; consequently, those who have sent ships from the United States for a cargo of teas for the consumption of the United States, could not calculate on any period of the return of that ship, unless they were to send credit or dollars. The goods' business has been confined to two houses; I believe that in British manufactures they have not relied so much on the return of teas to the United States.

5174. Are you of opinion the Americans would conduct that trade to a larger extent and more advantage if they had larger capitals?—I believe there is capital enough there; but that those persons who possess that capital have not acquired a proper knowledge; but that they have it now, or will have it very soon, I have no doubt. They will carry on a greater portion of trade in a very short time.

5175. Are not the partners of the house of Perkins and Company at Canton as much acquainted with that trade as the agents of the East-India Company can have become?—Perfectly so; and it is of course their object to keep that information to themselves.

5176. They have had the means for years of extending that trade as greatly as British merchants would have had if it had been opened to them?—Certainly; if the tea trade is closed against them there is no mode of making a remittance beyond a certain point. I believe I have stated that on teas generally to Europe there is or has been very little profit; it has been very difficult to make a par remittance in teas; the very limited amount which can be remitted in teas to the Continent, where the consumption is very trifling compared with the consumption of England, prevents their embarking beyond any number of ships required to bring back the teas necessary for those markets. During the past year I believe the house of Perkins were the shippers of all the teas to the European markets, except those by the Dutch Company, which did not extend to more

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than five or six cargoes, perhaps equal to two cargoes of the Company.

5177. The American merchants of Canton having open to them the whole supply of all the world with teas, with the exception of Russia and England, do you think their market for teas is too small to enable them to extend that trade considerably; that there is a difficulty in obtaining returns?—That is a difficulty that would be in some measure removed, probably this very year, by the recent discovery that dollars are no longer wanted there; the Americans now take credit to a considerable extent, and the bills which would be thus offered in the market could be purchased as a remittance.

5178. Where do the Americans obtain those bills?—The Bank of the United States issue bills; the different banking-houses of the United States give credits upon London; those bills are taken to Canton, and are there sold, and are bought by the native merchants who trade to Canton with opium; they take the bills to Bombay and Calcutta, they are there sold as remittance to England.

5179. So that the country trade of India is the foundation of the American trade with China under this altered system?—It would be incorporated; the two trades would work very well together; but I believe the Americans have, until the present year, chiefly carried specie, dollars.

5180. It is understood that the profit in the American trade to China is made, not on the import, but upon the export cargo?—In the one case it is on the import, and in the other upon the export. Those adventuring from the United States and sending dollars, rely entirely upon the manufactured silks and tea which they get in return, for their profit; but on that part in which I conceive British manufactures are concerned, there the profit on the British manufactures, I should say, was the temptation.

5181. If there were so large a profit upon British manufactures as to create that temptation, and the Americans have had, as they have had for years, the means of exporting those articles in any quantities, can you explain why they have not been exported to a greater extent than £200,000 a year in value?—It takes a double capital; and the information necessary to carry it on successfully at Canton is confined to very few; I am not aware that there are more than two houses in the United States which have had any knowledge of it till within these few months.

5182. Have the Americans engaged in trade with China been in general persons of large capital?—Generally persons of large capital, or they have acquired it in the course of this trade; all the old houses, however, engaged in it, have acquired fortunes.

There have been failures, within the last few years, of persons who adventured indiscreetly beyond their means. 10 June 1830.

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5183. Is it a trade generally requiring great capital, and in which great capital has considerable advantages?—It requires great capital or credit; the outlay is for twelve months, and therefore the trade cannot be carried on by persons who cannot afford to lay out of their money that time.

5184. If the trade were carried on by the subjects of England, do you think they could carry on that trade as cheaply as the Americans?—I see no reason why they should not.

5185. Do you think they would carry it on more cheaply? —I do not think they would carry it on more cheaply; except that they would have the advantage of the one per cent. which the Americans have to pay for the scavage dues. I do not know of any other difference. Perhaps the freight might be rather more on English ships.

5186. Do you know the difference between the freight of an English and an American ship?—There is not much difference with the recently constructed ships at Liverpool, where the competition is very active; they have some British vessels on the same model as the Americans, and they rank together as they lie, and sail side by side. I believe the amount of British tonnage is rather increasing; I allude to the amount of British shipping bringing cotton, for instance. I believe there is not much difference in the freight or the sailing of those ships recently constructed on approved models; they are fully equal in every way, and there is very little difference in freight.

5187. Could an American merchant ship British manufactures at Liverpool as cheaply as a British merchant could?—I believe there is no difference.

5188. The only difference is in the port of London?—Yes, in the scavage dues, which is a considerable impediment.

5189. What is the freight from England to Canton and back at this time?—I think ships could be chartered now, from 400 to 500 tons, at £6. 10s. per ton for the voyage out and home.

5190. Have you ever understood that it is more advantageous to ship teas in a vessel of 1,000 or 1,200 tons than in one of 600 tons; that the teas are less injured in the package?—I should think there could be no difference if the ship was perfectly dry; that the tea would come as well in one sized vessel as another.

5191. What sized ship do you consider as the most economical for the voyage to China?—The most approved construction is about 450 tons of a particular model, which will carry more than half as much as a Company's ship, and be navigated with eighteen or nineteen men.

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5192. You spoke of vessels of 600 tons as having a freight of £6. 10s.?—I mentioned those because there are a great number of that description of ships here.

5193. What would be the freight of one of those vessels on an improved model of 450 tons?—In the United States a ship-owner offered to contract to supply a ship at thirty dollars per ton measurement on teas, the ton of forty cubit feet; that was for the voyage out and home; that comes to about £6. 10s.

5194. There would be no difference in the freight of a vessel of 450 and 600 tons?—Per ton there would be no difference.

5195. When you speak of £6. 10s. a ton, do you mean a ton of 40 or 50 feet?—I think a British ship would be got now at £6. 10s. per ton of 40 cubic feet.

5196. What would it be for the fifty cubic feet?—I think that comes to about £8. 2s. 6d.

5197. Is not the tonnage of the East-India Company computed at fifty feet to the ton?—I understand it is.

5198. In what particulars is this great improvement that has recently taken place in vessels of 450 tons burthen?—It consists in adding much to their length; they are longer and deeper, and have a peculiar form.

5199. Does it improve their capacity without interfering with their velocity?—It improves their capacity; and their velocity is even greater.

5200. Is a vessel of 450 tons on the improved construction really a much larger vessel than a vessel of the old construction of 450 tons?—She is really a larger vessel.

5201. How many tons does she actually carry?—I suppose a ship of 450 tons on the improved construction would carry 750 tons of tea of 40 cubic feet.

5202. What is the premium on the insurance for a voyage to Canton and back?—I do not recollect what it is out and back, but I think it is outward two and a half; and I believe homeward two and a half. I have understood the Company's ships have paid three per cent., but latterly they paid only two and a half.

5203. The Company do not insure?—They do not; but there are some parties who insure their interest for similar voyages.

5204. Do the American ships last as long as the British ships? —Those that are built with care for some individuals who are very particular, I believe, last as long; but generally they do not.

5205. Upon the whole, should you consider it cheaper to navigate a British or an American ship?—I think that a British ship cannot be navigated so cheap as an American. I believe

there is a necessity for taking apprentice boys, which create expense; and the provisions cost rather more. I think in a long voyage it might make a considerable difference. I have stated before that it makes a quarter; but I think that is too much.

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5206. In that answer you compare thé expense of navigating an American ship from America, and a British ship from England; but if both left a British port for China, would there be any considerable difference of expense in navigating them? —I believe very trifling; the only thing would be the necessity of taking those boys, which are considered by the Americans as useless.

5207. Has the trade to Manilla increased?—Very much.

5208. In what articles is that trade carried on?—In a much greater variety of articles than to China; some hardware and other descriptions of goods usually purchased by the natives.

5209. What are the articles from Manilla?—Sugar, and a species of grass which is very valuable, indigo, and tortoiseshell, and coffee.

5210. Can you state the value of the imports into Manilla in any one year?—I cannot. I have a statement of the productions of Luconia for the year 1825, which I beg to deliver in.

The same is read, and is as follows:

STATEMENT OF THE PRODUCTIONS OF LUCONIA, 1825.

					Dollars.
Indigo	3,472	Quints	100 dollars		347,200
Sugar	138,298	Pilons,	say 90m. Pl. at 4 dolls.		360,000
Pearl shell	2,687	Peculs	20		53,744
Tortoise ditto	3,130	Catties	7		21,910
Rice	39,906	Cabaus	1¼	49,882	
Ditto	26,965		1	26,965	
Ditto, Paddy	19,783		0½	9,891	
					86,738
Cotton	3,109	Pls.	20		62,180
Bees' Wax	1,272	Qls.	38		48,336
Avaca, Lapis	371	Pls.	5	1,855	
Ditto, 2d, 967	8,340		4¾	36,915	
Ditto, rope	3,519		6¼	21,993	
					63,463
Cocoa	390	Cabaus	32		12,480
Coffee	1,615	Pls.	15		15,725
Sapan wood	24,826	—	1 50/100		37,239
Biche de mar	3,385	—	22		74,470
Birds' nests	2,543	Catties			3,814
Sulphur	3,696	Pls.	1½		5,544
Cocoa-nut oil	11,504	—	4½		51,768
Ditto ditto rum, value at price paid by government					133,047
Tobacco ditto	57,301	bales	ditto		104,092
Cocoa-nuts	945,616		1 per 100		9,456
			Carried forward		1,491,206

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					Dollars.
			Brought over		1,491,206
Hides, &c.:					
Buffalo	9,640	.. ..	37½	3,615	
Cow	2,351	.. ..	·50	1,175	
Deer	2,376	.. ..	·15	356	
Tanned	1,983	.. ..	·75	1,488	
Hoofs	293	Pls. ..	3·50	983	
Hoofs, deer	66	.. ..	8·50	631	
Glue	845	— ..	2·50	2,112	
Manufactures:					10,460
Cambayas	1,650	Ps. ..	·75	1,237	
Guinasas	302,356	— ..	0·15	45,353	
Canvas	1,562	— ..	1·00	1,562	
Cotton	36,529	— ..	·50	18,265	
Midunagues	19,895	— ..	·16	3,183	
Sinamayes	142,360	— ..	·25	35,590	
Tapis	10,771	— ..	·25	2,692	
					107,875
Wheat	1,852	— ..	1·50		2,778
Ebony	3,168	— ..	2		6,336
Wood, timber for shipbuilders, carpenters, &c. value					10,931
Pitch, value 1·50/100 per quintal			amounting to		24,292
Rattans					3,373
Mat Bags	30,000	..	·5		1,500
Pearls	110	lbs. ..	32		3,570
Cowries	12	millions	6 per m.		6,000
Cattle					8,182
Ground-nuts or beans	3,000	Cabs. ..	1		3,000
Onions	4,197	Pls. ..	·50		2,098
Dry Fish					602
Shark fins	26	.. ..	20		520
Indigo seed	57	Cabs. ..	3½		183
Garlic	46	Pls. ..	4		186
Fish oil	71	Jars. ..	2¼		160
Pork fat	366	— ..	6		2,196
Hats, furniture, pepper, sago, and biscuit					1,300
Articles of which I do not know the names in English					15,374
Sundries					1,500
			Total value in Spanish dollars		1,703,622

Note.—The above is only the quantity brought into Manilla, and is probably very far short of the actual productions, perhaps one-third; most of it is founded upon estimates which may be quite erroneous in many instances. Their own consumption of sugar, rice, indigo, wax, rum, and tobacco is very great, as well as of all the other articles named herein. The value of rum and tobacco are put down at the prices paid by the government to the natives; they are both monopolies, and are resold at an enormous profit. The government probably receive one million of dollars for those two items; the tobacco, it is true, forms their chief financial resource.

5211. Are the articles of British manufacture purchased by you here for the Americans of equal goodness with articles of the same name purchased by the East-India Company for export to China?—We always contract for the Company's quality, without exhibiting any samples; and when the goods

are delivered they are examined; if they are faulty, some allowance is made in that respect. We are probably not so particular as the Company.

5212. Do you pay the same price as the Company?—I rather think that we buy cheaper; that the mode of purchasing by the Company exposes them to combination.

5213. In what way?—They advertise for tenders of a certain quantity, of camlets for instance, and I think there is nothing more easy than for the manufacturers of camlets, if they choose (I do not know that they do so), to combine. I should not think it safe to advertise in that way. We go into the open market and buy; each one, being eager to have the whole of our order, will name the lowest price.

5214. The East-India Company reject many articles which you export; do they not upon the whole import into China a higher description of articles than you do?—I should think not as to quality; the dimensions are precisely the same; the goods the same; but sometimes our shipments may have some few imperfections about them, such as stains, or perhaps a piece may have a little imperfection in colour, or something of that kind, which the Company's may not have.

5215. Do you think the Company obtain a higher price for the manufactures they import into China than the Americans do?—I am not aware that they do; I should say not.

5216. It appears by the return, page 53, in these papers before you, that in the years 1816, 1817, and 1818, the tonnage cleared out from the United States for ports beyond the Cape of Good Hope was respectively 35,253, 39,169, and 36,586; and in three years 1826, 1827, and 1828, the tonnage amounted only to 19,070, 17,078, and 14,112; can you explain the causes which have occasioned so very great a diminution in the amount of tonnage clearing out for ports beyond the Cape of Good Hope; and can you state what part of the trade which the Americans possessed beyond the Cape of Good Hope, has failed since the last period?—I should say it might be accounted for on general principles; peace having taken place, the trade naturally went into those channels to which it properly belonged; the Americans having in former times, from their neutrality, carried on a considerable portion of the Indian trade, they continued their expeditions afterwards, and that they found their mistake in about the year 1818; or perhaps the opening the trade to India might have some effect. I do not remember the precise period of that; but the American trade to Bengal is now confined to the consumption of the United States: there are no longer importations with a view to exportation to different parts of Europe; even a portion of their supply of Bengal produce is drawn from London to the United States in a variety of articles. A portion of that tonnage was employed in the

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trade to Batavia; the Dutch have made regulations which have destroyed their trade there; that will account for a portion of it.

5217. It appears by the account at page 28, that in the years subsequent to the opening of the trade with India, namely, 1816-17, 1817-18, and 1818-19 respectively, the tonnage of vessels clearing out from British ports in India for America, was 15,145, 18,003, and 23,944; and that in the three last years, in the years 1824-25, 1825-26, and 1826-27 respectively, the tonnage of American ships clearing out from India for America has been 3,067, 5,743, and 2,389: do you know to what circumstances is to be attributed that great falling-off in the American trade with India since the year 1818-19?—I should attribute the falling-off to the circumstance, that in time of peace all goods must go to the place of consumption in the most economical manner, and that America being a place of small consumption, they can afford to bring only the goods which they want; it will not any longer answer to export the goods to America for the purpose of being re-exported to the European markets, where they will be consumed.

5218. In your opinion, since the opening of the trade with India, the trade for the supply of England and of Europe has been carried on more economically by British ships than it could be by American ships, and the British ships have supplanted the Americans in that trade?—I do not think that will apply exactly so, as the voyage from India to America is so far out of the track. British ships have not gone cheaper, but their voyage is not so long. The regular course of the trade is to London, as the emporium of the world, as the world now stands.

5219. But since the opening of the trade with India to the subjects of England, the British merchant, having supplanted the American in the trade with India, being enabled to supply the demands of England and of Europe at a less charge, do you, from that circumstance, infer that, if the trade with China were equally opened to the British merchant, he would equally succeed in supplanting the American merchant in that trade?—Undoubtedly; the Americans would be driven out of that portion of the trade they now carry on to Europe.

5220. The produce of China would, in your opinion, be conveyed to Europe by British merchants, and not by Americans?—Yes; just so.

5221. Do you conceive that the advantage which the American shipper has at present over the British merchants depends exclusively upon the difference in the cost of navigation?—Perhaps the American merchant, from the experience of the past twenty years, is more a general speculator than the English merchant, and would therefore perhaps for a time manage it rather better than it could be managed by the British merchant; but

so far as the expense of carrying it on, I know of no other difference than that I have mentioned in the difference of navigating the ships that I have spoke of, that it amounted to one-quarter of the freight, which I think I reckoned rather too high.

5222. You conceive that, as far as relates to construction, they are nearly on a par?—I believe a great portion of the tonnage of Great Britain is in ships of bad construction for the times, that cannot carry bulk in proportion to their tonnage, and they are unprofitable in the present improved state of ship-building.

5223. Have you any doubt that were the China trade to be opened to the English merchants, the shipping of the most improved construction would be had recourse to, and with as much advantage as in America?—I have no doubt it would, though I do not think it would be done quite so rapidly; the expence of building is rather greater, which I conceive to be compensated by the lower rate of interest of money; but the cost of a ship is certainly greater than in the United States.

5224. What should you state to be the present difference in the interest of money borrowed for mercantile purposes?—I should say it was fully double in the United States for mercantile purposes.

5225. Do you conceive that the Chinese population would be more or less disposed to an increased consumption of British manufactures than that of Java, Manilla, or other parts of the East with which we have been acquainted?—I have no doubt they would as readily receive foreign manufactures as those of the places named; perhaps it would be more difficult to introduce them; but I have no doubt that they would be eventually introduced.

5226. Do you think it probable that it would be necessary to introduce them by illicit trade, or that the Chinese would be likely to admit them on payment of duties?—I should think it would be the most advisable method to let the merchants follow their own course; they understand their own interests, and they would introduce the goods if it was possible to do so with a profit; whether by regular importations, or by sales from their ships along the coast, would depend upon the profit.

5227. How far is Lintin from Canton?—I think about seventy miles.

5228. There is a considerable smuggling trade carried on, is there not, at Lintin?—In opium there has been; not in other goods to any extent.

5229. What are the advantages possessed by Lintin for the rposes of illicit commerce?—It is a good anchorage; they

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consider that where they lie at anchor, I believe, is without the Chinese limits, and that no one has a right to disturb them.

5230. How, then, are the goods introduced into China from thence?—The opium is introduced from Lintin by water carriage; the boats come alongside and take the opium. I believe it is conducted in this way: a Chinese at Canton, if he wishes to buy opium, pays the money, and receives an order for the opium, which he sends with his boat to take it in at Lintin, and there the transaction is ended.

5231. Are you acquainted with the circumstances of trade having been carried on at any other ports on the Chinese coast? —I have heard that it has been; I have no precise knowledge of it.

5232. Were not American ships permitted to trade at Java when it was in our possession?—They were.

5233. Under those circumstances, had not the British merchants an advantage, generally speaking, over the American?— The British had this advantage, that he could find a great number of persons disposed to adventure and more readily make up a cargo. The American would have to take the whole on his own account; whereas the British cargo would be made up by a greater number of shippers.

5234. The Americans are excluded now from Sincapore, are they not?—I believe they have never had a right to trade there; I believe the ports to which the Americans are allowed to trade in India are all named, and that Sincapore is not named.

5235. Are other ships permitted to trade to Sincapore?—I believe there is no great difficulty in trading to Sincapore; that they go on shore and make their bargains, and go a few miles off to make transfers; that it is done in the same manner as the contracts for pepper are made at Prince of Wales' Island; that the contracts are made there, and the transfer on the coast.

5236. Are the Malays extensively engaged in the trade of those seas?—I believe the Chinese carry on the greater portion of trade in those places at Batavia; I believe the sales of British manufactures there are almost entirely by the Chinese, and at Manilla it is the same.

5237. Do you suppose that, in the event of the Chinese trade being opened to the British merchant, any considerable portion of the trade now carried on by the Chinese would fall into his hands?—I think it probable that there would be a good deal of traffic from one port to another in that quarter, and there is none now; it is a growing trade.

5238. Can you state the expense of construction of ships in China?—I cannot.

5239. You cannot form any opinion as to the comparative freight of Chinese vessels carrying on the trade to the Indian

seas and English vessels?—I think in the Chinese junks each man on board has his investment of goods for the market to which he is going, and his room which he rents. I believe the freight in such cases must be very dear. They only go at particular seasons of the year. British vessels, from their particular construction, would sail frequently against the monsoon in that quarter of the world, so that they would soon destroy any profitable trade by the Chinese.

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5240. Are the junks equipped by merchants at Canton, or to whom do they belong?—To the Chinese merchants.

5241. And let out to traders?—They are freighted in that way; letting out different apartments, or so many rooms to this and that person; on return, I believe they take rice and other things, which are differently stowed.

5242. Should you suppose that any apprehension of injury to that trade in China would cause any indisposition on the part of the Chinese to encourage English private traders?—I should think not. My impression is, that this trade is chiefly connected with the Chinese resident at different places to which they go. At Siam, I am told that the number of Chinese junks is altogether 150 or more lying in the river at a time; but there is a great population of Chinese engaged in agriculture and the manufacture of sugar, and those junks bring their supplies, and also emigrants.

5243. Is the trade carried on from hence by the Americans, according to your experience of it, increasing?—Up to the beginning of this year I should say it was increasing.

5244. Both in its total extent and in variety of articles?—I should say the number of articles have increased considerably there have been three or four added to them, to my knowledge.

5245. There are some articles now going out as an export with respect to which you do not wish to state the details?—Just so.

5246. Have you any reason to know that there is any thing in China that precludes them from purchasing any articles that may be suited to their wants or to their tastes?—I am not aware of any regulations to that effect.

5247. And nothing in the disposition or habits of the people?—Nothing that I have ever heard of.

5248. You stated that one of the obstructions to a more extended trade between this country and China on the part of the Americans was, the necessity of American merchants possessing what you describe as a double capital; would the same obstacle apply in the same way to the British merchant carrying on the same trade to Canton?—It would not be carried on in the same way. The American ship-owner is also the merchant. The voyage from hence would probably be one where

10 June 1830. a great number of persons would consign goods for sale in China; and this they would leave more to the house in China to direct returns. The object of the American being as well to get back a cargo of teas for the American market, he cannot calculate on his teas if he uses British manufactures. But here I think the constant and regular shipment of British manufactures, with the balance of country trade, would naturally throw more British capital into Canton than would be wanted immediately for investment in tea.

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5249. As far as that goes, it would give to the British merchant in the case supposed an advantage beyond that which the American merchant now has?—I should say it would, decidedly.

5250. One of the obstacles to an extended trade on the part of the Americans from hence is the want of adequate returns, is it not?—That applies more particularly to the circumstance that the American ship-owner is a merchant; if he was not it would make no difference; he rather wishes to employ his own ships, and in so doing he makes his returns in teas to the Continent, which comes near to his port of loading, and they probably have not found it their interest to extend their operation beyond the goods that they could make returns to Europe for.

5251. If the consumption on the Continent were materially to increase, that would be an inducement to American merchants to extend their operations, would it not?—It certainly would.

5252. If therefore the American merchant could share in the supply of tea to this country, that would extend his operations?—Certainly.

5253. So that if a British merchant were at liberty to import tea into England for the consumption of England, you conceive that would induce him to extend the exportation of British manufactures in the same way?—It would; he would have a further temptation to increase the exports of British manufactures; he could take in a number of markets in his route; there would be Batavia, Manilla, and Sincapore, without going out of his track. There is a trade between all those places and England, of course; there are always some shipments. But the American has not that advantage; he has no connection there, and of course his voyage is more direct.

5254. You stated that it occasionally happened that the goods you purchased here, which were intended to be of the same quality as those exported by the East-India Company, were sometimes somewhat deficient, or below the contract agreement?—Not to any extent as to quality; there may be faults arising from accident in the manufacture or dyeing.

5255. In that case, when any such deficiency is discovered, the goods are not rejected, but a diminution of charge takes

place?—A diminution of charge takes place; the goods are made as perfect as possible; for instance, a piece that has a faulty colour, or a stain upon it, a yard would be cut out, and the piece would be invoiced a yard shorter, and of course it would not be exactly of the dimensions of the Company's, but the qualities would be the same.

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5256. The quality would be exactly the same?—That is our endeavour; the contracts are, I believe, precisely the same.

5257. Have you ever exported any goods that have appeared on inspection to be somewhat inferior to the quality you have ordered?—Sometimes we are forced to do that where the goods arrive but a few days before the ship is to be despatched; there is no opportunity to return them upon the hands of the seller, and rather than have the assortment incomplete, the goods are sent off; but then it is not an inferiority of great magnitude; it may be to the amount of two per cent.

5258. Do you find any difficulty in the sale of goods which are inferior to that standard?—None that I am aware of; the Hong merchants buy them.

5259. They give you less for them, you having paid less?—I am not aware that they give any less for them; the goods that have those imperfections are packed with those which are perfect; any thing that would not answer, that was found so bad as to occasion its being rejected, would not be sent.

5260. They take their chance of finding some part of the consignment not so good as the remainder?—They take their chance, certainly. But I should mention the mode I adopt in order to examine them: I have a hundred pieces examined by the Company's examiner, and if I find seven out of the hundred imperfect I then examine the whole quantity, perhaps three or four thousand, and put by all that are imperfect; but if there are not more than seven out of a hundred that will not pass, then we should take no account of it; so that we go pretty nearly in our examination on the same principle as the Company.

5261. Do not you ascribe a part of the falling off of the import of tea into the United States of America to the circumstance of the British provinces in North America having within the last three or four years been supplied directly by the East-India Company?—That must have had some effect; but the drawback on the exportation of teas from the United States, imported at less expense than the Company import them, enables them to compete with the Company in the Canadian market. I think there is no difficulty in introducing teas from the United States; still the consumption, of course, must be diminished in nearly the same ratio as the extent of sales by the Company in Canada.

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5262. Has there been more fluctuation in the extent of business carried on by your correspondents' house at Canton than is usual in transactions carried on at such a distance and to such an extent?—There has been. I think they are clever men, and there is more variation where they enter into speculations than otherwise. If they found the price of tea low, they would withdraw from it; if they saw a prospect of gain, they would double their transactions.

5263. Is there any difficulty in carrying on commerce with the outside merchants?—The greater portion of the business of the house to which we have alluded is conducted by outside merchants; in the manufactured silk, that is entirely conducted with the outside merchants.

5264. Have you had reason to rely on the solidity and fair dealing of that class of dealers?—Mr. Cushing, who has resided a long time at Canton, has told me he never had a dispute with any one at Canton; that he never took a receipt for any small payment; and that he never had had a demand made upon him a second time; that it was a place of business where he had had more facilities and less disputes than any other he was acquainted with.

5265. Do you know the difference of freight between American ships of the improved construction and the Company's ships?—I have understood that the Company's freight varies from eighteen to twenty-four pounds; but there are conditions about it. Those conditions, with regard to being under obligation to go as transports, or to have their destination altered, or to take a certain time, embracing a greater length of time than an ordinary charter, should make the freight different from an ordinary transaction.

5266. There are other conditions, as to number of seamen, and so on?—Yes, there are.

5267. Do you know how many tons of tea a Company's ship of 1,200 tons should carry?—I cannot speak with confidence about it; but I believe they usually bring fifteen or sixteen thousand chests of tea, as they are now navigated. A ship of 450 tons, on the construction I have mentioned, would stow 7,500.

5268. In a vessel of 1,000 or 1,200 tons, what is the ordinary difference between the registered and the actual tonnage?—That would depend entirely on the construction of the ship.

5269. Are not the American merchant ships generally better sailers than the English merchant ships?—I should say that for some time past, or up to within a year or two, that has been the case; those ships that were constructed to sail with convoy were calculated rather for burthen than for sailing, and they are heavy sailers; but, as I remarked before, in Liverpool,

where the competition is great, there are ships under the British flag that sail as fast as any Americans, and carry nearly as much, and I do not see that there is much difference.

5270. Can you state the proportion of the difference in the length of the voyage performed by an American ship and an English ship of ordinary construction?—It is impossible to calculate that; there might be one-third or more in the difference of the voyage.

5271. Does not the superior sailing of the American ship depend upon the sharpness of her build in a considerable degree?—It was formerly considered that a ship to sail must be sharp; but latterly that has been found to be a mistake; that a ship to sail requires length, and that she should have sufficient breadth; and that which is required is, that she should have a clean run, that she steer well; and when they apply the requisite quantity of canvass, they find that she sails faster than a sharp ship.

5272. Would not a ship that is built long, and at the same time broad on her beam, measure a large tonnage?—I believe, according to the English and American mode of measurement, they take two-fifths of the breadth of the beam for the hold; it depends therefore more upon the depth of the ship, whether her real tonnage is more than she measures, or whether it is out of the way; I think all those ships upon the improved model are really larger ships than they measure, being deeper.

5273. Are they built round or sharp?—They are built what the seamen term, wall-sided.

5274. Has not the mode of measurement relation to the depth of the hold and bulging sides?—It has not; the breadth of beam determines the measurement depth of the hold. The gain of having them so constructed is, that they carry more burthen, and will sail equally fast with a less quantity of canvass and spars, than the other description of ships.

5275. What number of men navigate a 450 ton ship built at Liverpool?—I am not aware; but I think more by two or three, from the necessity they are under of taking boys.

5276. Do you know how many men are employed in a Company's ship of 1,200 tons?—I believe 120 or 130; but then they have a great variety of duties to perform which an ordinary merchant ship does not require.

5277. What opium was that you purchased in England and sent to Canton this year?—Turkey opium.

5278. Did you ever send any before?—It is a regular business.

5279. Has the export of Turkey opium to Canton increased?—I believe it has very rarely exceeded a thousand chests; it has increased, certainly.

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5280. Are you enabled to state, from your general knowledge of the trade of the East, what effect the monopoly possessed by the East-India Company in the trade with China produces on the trade of the Eastern Islands and of India?—I should say that it is a good deal in the way of it; that it is an obstruction; that it prevents the natural course of trade, which, were it free, would take place; for instance, in the country trade to China they are deprived of the means of remittance to this country or to India. If those who carry on the trade from different parts of India could carry it further on, there would be less loss of freight in ships; a ship which would go from England to Bombay and Calcutta, would go from thence to Canton; but if the ship cannot go from Canton to England, there is a return voyage without profit; while to Canton all the Company's ships go nearly empty.

5281. That affects the trade direct from England to India and China; but what effect does the present monopoly of the China trade produce on the country trade of India and the Eastern Islands?—It so far embarrasses it, that there is everywhere a difficulty, as the trade now stands, to find returns to India or Europe. Formerly it was otherwise; there was an immense amount of specie exported. It is now completely changed; the specie no longer goes to India, but importations of it take place from China by way of Sincapore. Some considerable importations, to the extent of half a million of dollars, are understood to be now on the way; and from Bengal, I understand, very large sums are on the way.

5282. The Company's Factory in China giving to a large extent bills on England for funds supplied to them in Canton, do not the Company practically make those returns to England which are desired by the merchants in the eastern and country trade, and which otherwise might be made either by them or by the British merchant?—If that is the case, there is no doubt the Company make the return which the private-trader would make, and thereby the private-traders are forced to take the Company's bills, which is a disadvantage to them.

5283. Is that injury done to the private-trader the whole extent of injury inflicted on the trade in general by the monopoly of the China trade possessed by the Company?—It is a matter of opinion how far the trade would be extended if the Company's monopoly were to cease. It is my belief that it would be greatly extended; if not, I do not see that any other injury can arise than that of impeding the returns.

5284. The effect of the law being now, that if a merchant trading from England to China desires to make returns, he can only make them through the Company, in your opinion, would the general trade of the East be extended if the merchants trading from India to China were enabled to make those returns

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themselves?—I have no doubt it would; that the hope of gain from tea would rather form an additional inducement to the export of British manufactures, and one acting on the other would increase the trade very much; that it might not always be profitable, but in the end I think it would be.

5285. At present the Company's ship goes to China without a freight and returns with one, and the country trader goes to China with a freight and returns without one?—Precisely so.

5286. Are the regulations of the port of Canton, with respect to the entrance of foreign vessels, very strict?—I believe they are very strict; there is however no difficulty, unless there is loss of life, in which case they are very particular to exact a return.

5287. Are those regulations very rigidly enforced?—I doubt whether they are; persons trading to Canton, I believe, know very little of them; there are edicts published, as we all know, against every thing almost which is improper; against opium, for instance.

5288. Have they not, in point of fact, been considerably relaxed with respect to the Americans?—I am not prepared to say; I can only say that the Americans never had much difficulty in business there; they have always gone on very regularly, and without any embarrassment, except on one or two occasions; in one case, of a man murdering a woman, a temporary difficulty was experienced.

5289. Do you think that if free-traders from this country were suffered to go there they would be exposed to more inconvenience from those regulations?—I think not; the consul would, particularly by notifying the regulations of the port on the arrival of the ship, and pointing out the punishment for a departure from those regulations, I think, prevent any difficulty.

5290. Do you know whether the Americans are in the habit of purchasing at Canton a considerable quantity of any species of tea which is not purchased by the East-India Company?—I believe they purchase a much greater quantity of the higher qualities of green tea in proportion to the whole shipment on American account than the Company; but I believe you may buy all descriptions of tea in London, though I suppose the quantity is small at some of the higher prices.

5291. Is there any considerable quantity of tea of inferior description purchased by the Americans, and that is rather rejected than otherwise by the Company in the market of Canton?—I believe that, generally speaking, the tea shipped by the Americans is not so good as that shipped by the Company; there is a portion of as good tea shipped by the Americans; but with tea, as with every thing else coming to this country, the duty forms so large a proportion of the price, that any

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thing very inferior would not be likely to be brought here for consumption.

5292. Do you conceive that the Americans, having an opportunity of selecting the superior species of teas, choose the inferior, as finding them more marketable?—More profitable to them; that is the reason, I presume.

5293. When they were in the habit of supplying foreign Europe with tea, do you know what quality they chiefly introduced into Europe?—I can state what the shipments were for one year, presuming that the assortments suited to the market—the year 1828-29.

5294. The question referred to the period when they were in the habit of supplying foreign Europe more largely than they do at present?—I presume that the assortment has been very nearly the same, but I cannot speak precisely to that; it has not occurred to me to examine whether there is more fine tea now consumed in Europe than formerly. I can give it only for the year 1828-29. An assortment of 35,000 chests was divided into 1,500 bohea, 10,600 congou, 4,642 campoi, 1,074 souchong, 2,040 pekoe, 3,276 hyson, 2,340 hyson skin, 3,449 twankay, 2,388 young hyson, 577 imperial, and 434 gunpowder.

5295. Do you not think that if it is a fact that the manufacture of spurious tea is carried on in this country to advantage, that affords strong ground for presuming that the market is insufficiently supplied with genuine tea of the inferior quality?—I should draw the inference from it, that the sale price to the consumer was too high.

5296. Do you happen to know what articles of woollen manufacture imported by the Americans have been most in demand in China?—The Company's woollens or the Company's cloths. A species of ladies' cloth—broad cloth—they have imported the same; and there are a species of coarse woollen called long ell; and the camlets, which is a worsted stuff.

5297. Have you reason to believe there is an increasing demand for those articles?—Perhaps less for those articles; I believe it is increasing, but very slowly.

5298. As far as you had an opportunity of observing, do you think that the Chinese population attend most to the cheapness or to the durability of the article that they purchase?—I think they would attend to the durability; they are very exact judges of quality.

5299. Is it a fact that the articles of cotton which are manufactured by them are found to be more durable than European manufactured articles?—Hitherto, I believe, the nankeens of China have been thought to be superior; but I believe that the difficulty in the competition is now overcome; that nankeens

may be by and by carried to China, and that they would fetch the prices we are in the habit of paying for them at Canton now; the French make nankeens now superior to the Chinese. 10 June 1830. —— *J. Bates, Esq.*

5300. Have you reason to think that much of the loss that has been experienced by the Americans in the Chinese trade has been owing to persons of insufficient capital engaging in it, and experiencing in the first instance great gains?—That is the view I take of it; that the persons who have failed in business (and there have been several failures) engaged without sufficient means; they took up money, some of them on respondentia, and thereby after a successful year they extended their operations; and when a reverse came, with the state of things that took place here, which affected things in every other country, they were overtaken, and were of course ruined.

5301. Is there a considerable export now of manufactures from hence to Java, as well as to Manilla?—There is even now, although the regulations there are much in favour of Dutch manufactures.

5302. Do you happen to know of any American vessel that has lately gone out to China with a very considerable cargo of manufactured goods?—Our house despatched one with a very large cargo within a month.

5303. Can you furnish the Committee with an account of that shipment?—There was the usual quantity of woollens—no cotton goods—amounting to about £55,000, and I think about £100,000 value in opium; probably five or six thousand in metals and other articles.

5304. Can you state the average rate of duty paid in America on teas?—The duty in the United States on tea from China is, on bohea, twelve cents; on souchong and other black, twenty-five cents; hyson and young hyson, forty cents; hyson skin and other green, twenty-eight cents; imperial and gunpowder, fifty cents.

5305. Does that amount to fifty per cent. on the average?—It amounts to more than fifty per cent.; it amounts to seventy-five per cent. on a middling quality of tea.

5306. Do not the Americans occasionally buy green teas at the highest price?—I believe they buy the highest quality of green tea generally.

5307. Are you aware that they give high prices which the Company would not think themselves justified in going to?—I believe they pay very high prices for green tea, the supply being probably short.

The witness is directed to withdraw.

Ordered, That this Committee be adjourned till to-morrow, One o'clock.

Die Veneris, 11° *Junii* 1830.

The LORD PRESIDENT in the Chair.

10 June 1830.

Mr. *C. Everett.*

Mr. CHARLES EVERETT is called in, and examined as follows:

5308. WHAT is your profession?—I am an American merchant.

5309. Are you an American?—I am.

5310. Are you a commission merchant?—I am.

5311. A commission merchant only?—Yes.

5312. Have you, in that capacity, been engaged in the export to China of British manufactures on American account?—I was the first to ship on the account of Americans; and commenced the business in 1818, and continued it till the end of 1828.

5313. Have you now ceased to conduct that business?—Yes, I have.

5314. Were you engaged extensively in the export of British manufactures on American account?—To China I have shipped to a large amount.

5315. Have you with you any statement of the amount you have shipped at different times?—I have a statement, marked (A.), of the amount, the dates of the shipments, and the quantities by each vessel.

5316. Have the goodness to deliver in the same.

[*The witness delivers in the same, and it is read, and is as follows:*]

(A.)

A STATEMENT of the Amount and Date of the SHIPMENTS of BRITISH MANUFACTURED GOODS purchased by CHARLES EVERETT, for the CHINA TRADE on AMERICAN ACCOUNT; distinguishing the QUANTITIES and VALUE of the leading Articles of Cottons and Woollens; from 1818 to January 1829.

	Packages.	Pieces.	£. s. d.	£. s. d.	£. s. d.
Ophelia:		Canton:			
July 1818 ..	9	58 cloths		1,136 8 11	
Roxana:		Boston:			
Sept. 1818 ..	4	29 cloths		672 18 3	
					1,809 7 2
Augusta:		Gibraltar and Canton:			
July 1819 ..	68	1,344 bombazetts	3,662 5 6		
	1	20 camlets....	144 2 0		
	75	1,500 long ells ..	4,607 14 0		
	33	200 cloths	1,718 5 0		
				10,132 6 6	
Ophelia:		Canton:			
Dec. 1819 ..	8	80 camlets....	585 3 9		
	264	1,824 cloths	15,170 4 8		
	10	200 long ells ..	561 0 0		
				16,316 8 5	
					26,448 14 11

(continued)

	Packages.	Pieces.	£.	s.	d.	£.	s.	d.	£.	s	d.
Robt. Edwards:		Canton:									
March 1820..	286	2,867 camlets....	20,571	0	5						
	50	1,000 bombazetts	1,641	15	8						
	141	2,820 long ells ..	7,865	8	2						
	150	786 cloths	6,518	19	7						
	2	100 cottons....	191	5	2						
						36,788	9	0			
Canton Packet:		Gibraltar and Canton:									
May 1820 ..	100	1,000 camlets....	7,042	8	8						
	205	4,100 bombazetts	9,139	6	6						
	6	24 cloths	208	15	10						
	9	180 long ells ..	505	16	10						
	80	1,388 cottons....	2,492	5	0						
						19,388	2	10			
Houqua:		Canton:									
July 1820 ..	180	3,600 bombazetts	8,333	2	8						
	84	839 camlets....	5,486	14	10						
	54	1,080 long ells ..	3,074	18	2						
	117	702 cloths	5,330	18	4						
	20	2,000 cottons....	1,378	13	9						
						23,604	7	9			
Augusta:		Canton:									
Nov. 1820 ..	20	670 cottons....	1,766	6	5						
	554	4,540 camlets....	30,277	9	2						
	130	2,700 bombazetts	5,927	10	7						
	330	1,982 cloths	17,169	13	6						
	74	1,480 long ells ..	4,159	17	6						
	20	sundries........	557	7	5						
						59,858	4	9			
									139,639	4	4
Cordelia:		Canton:									
Jan. 1821....	305	7,235 cottons....	8,156	7	6						
	23	238 camlets....	868	7	5						
						9,024	15	1			
Nautilus:		Canton:									
April 1821 ..	113	1,125 camlets....	7,817	12	2						
	130	2,600 bombazetts	7,084	17	1						
	177	3,540 long ells ..	9,394	17	6						
	552	3,570 cloths	33,927	16	4						
	227	6,800 cottons....	7,967	2	1						
	32	sundries........	1,741	6	2						
						67,933	11	4			
Ophelia:		Canton:									
Aug. 1821 ..	169	5,836 cottons....	8,836	19	7						
	20	400 bombazetts	1,090	18	5						
	5	100 long ells ..	321	14	2						
	150	1,500 camlets....	9,959	17	6						
	50	sundries........	3,023	0	0						
						23,232	9	8			
									100,190	16	1
Clarissa:		Batavia:									
March 1822..	172	8,590 cottons....	8,154	17	1						
	26	240 cloths	1,770	9	6						
	20	400 long ells ..	957	1	6						
	32	sundries........	2,469	9	4						
						13,351	17	5			
Canton Packet:		Canton:									
Sept. 1822 ..	230	2,300 camlets................				15,116	5	0			
									28,468	2	5

(continued.)

	Packages.	Pieces.	£. s. d.	£. s. d.	£. s. d.
Levant: March 1823..		Canton:			
	50	500 camlets....	2,972 12 8		
	240	4,800 long ells ..	8,209 3 3		
	48	2,730 cottons....	3,705 3 0		
	76	586 cloths	5,459 6 10		
	40	sundries........	2,069 19 2		
				24,436 4 11	
Augusta: May 1823....		Canton:			
	291	5,820 long ells ..	12,413 7 0		
	207	1,720 cloths	9,352 12 6		
	89	5,284 cottons....	7,485 16 8		
		100 tons iron ..	1,181 14 4		
	138	sundries........	5,637 15 2		
				36,071 5 8	
London Packet: July 1823....		Boston:			
	50	1,000 long ells ..	2,244 9 5		
	10	100 camlets ..	561 11 4		
	28	sundries........	1,612 4 10		
Via Liverpool:	40	400 camlets....	2,122 5 2		
				6,540 10 9	
					67,048 1 4
Duseburg: Feb. 1824....	25	Boston: 1,148 camlets............	...	1,329 17 10	
Houqua: Aug. 1824 ..					
	392	23,250 cottons....	21,499 13 0		
	186	3,660 long ells ..	7,440 9 0		
	40	400 camlets ..	2,430 11 8		
	391	2,640 cloths	20,521 0 11		
	41	sundries........	1,212 10 6		
				53,104 5 1	
Nautilus: Dec. 1824 ..		Canton:			
	150	1,500 camlets....	8,726 3 0		
	404	2,840 cloths	23,149 2 1		
	110	2,200 long ells ..	4,224 4 4		
	559	28,662 cottons....	28,085 18 8		
	177	sundries	7,061 12 9		
				71,247 0 10	
					125,681 3 9
London Packet: Feb. 1825....	10	Boston: 900 cottons		443 0 0	
Via Liverpool: April 1825 ..	81	Boston: 6,583 cottons...............		5,918 2 2	
Ocean: May 1825 ..	25	Boston: 500 long ells		1,047 11 0	
					7,408 13 2
Houqua: Feb. 1826....		Manilla:			
	379	28,087 cottons....	22,525 19 2		
	20	220 cloths	2,059 17 2		
	5	100 long ells ..	206 0 0		
	5	50 camlets....	350 0 0		
	2	50 bombazetts	145 9 2		
	17	sundries........	1,826 17 10		
				27,114 3 4	About £80,000 value of the cargoes of the Nautilus and Houqua were purchased in 1825, and the shipments delayed until 1826.
Nautilus: July 1826....		Canton:			
	206	2,060 camlets ..	13,105 17 0		
	363	2,208 cloths	29,020 2 6		
	448	20,890 cottons....	23,192 1 4		
	90	1,800 bombazetts	5,120 0 6		
	75	sundries........	6,927 4 2		
				77,365 11 6	

(continued.)

	Packages.	Pieces.	£. s. d.	£. s. d.	£. s. d.
Milo:		Canton:			
July 1826....	483	3,020 cloths	20,699 2 2		
	100	2,000 long ells ..	3,941 10 6		
	40	4,000 cottons....	1,290 4 9		
				25,930 17 5	
Danube:		Canton:			
Aug. 1826 ..	558	3,588 cloths	23,881 8 6		
	20	200 camlets....	1,200 0 0		
	289	12,528 cottons....	9,543 18 1		
	25	sundries........	3,209 14 3		
				37,835 0 10	
					168,245 13 1
Milo:		Canton:			
Aug. 1827 ..	204	11,258 cottons....	11,990 8 1		
	50	500 camlets....	4,333 12 2		
	84	508 cloths	3,219 16 11		
	13	sundries........	1,441 18 4		
				20,985 15 6	
Houqua:		Canton:			
Sept. 1827 ..	399	32,690 cottons....	17,629 8 1		
	70	700 camlets....	3,802 19 10		
	16	sundries........	3,278 12 8		
				24,711 0 7	
					45,696 16 1
Dorchester:		Boston:			
Feb. 1828....	7	sundries....................		2,025 8 0	
Augusta:					
April 1828 ..		Canton:			
	140	7,000 cottons....	7,116 17 2		
	120	1,200 camlets....	6,376 2 6		
	24	sundries........	2,697 19 2		
				16,190 18 10	
Nautilus:		Canton:			
July 1828....	150	1,500 camlets....	7,808 2 6		
	196	1,300 cloths	10,835 4 0		
	45	900 bombazetts	1,838 17 6		
	100	2,000 long ells ..	3,347 6 6		
	142	10,095 cottons....	6,414 2 11		
	92	sundries........	3,021 11 6		
				33,265 4 11	
					51,481 11 9
	14,392	*Packages.*			762,118 4 1

The table (A) shows the whole amount of manufactured goods that have been shipped from this port since the commencement of January 1829, excepting about £6,000 woollens and £2,000 cottons.

I commenced the business in 1818, and continued it until 1828. Since that time the shipments have been continued by my late employers, through Messrs. Baring, Brothers, and Co.

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The subjoined supplement to the above account continues the same, and was delivered in by Mr. JOSHUA BATES, partner in the House of Baring and Co., pursuant to the directions of this Committee.

MEMORANDUM of SHIPMENTS to CHINA, on Account of Americans, by the House of BARING and Co.

1827...	Cottons	£35,580
	Woollens	16,930
	Iron	3,280
	Copper	3,120
	Quicksilver	4,500
	Cochineal	3,280
	Opium	13,370
	Linens, Watches, Tin Plates, Spanish Dollars, &c.	2,380
		£82,440
1828...	Cottons	£24,740
	Woollens	31,070
	Opium	39,000
	Iron	3,440
		£98,250
1829...	Cottons	£34,600
	Woollens	97,720
	East-India Cotton, Raw	6,060
	Iron	5,920
	Lead	2,670
	Steel	500
		£147,470
1830...	Cottons	£6,029
	Woollens	41,641
	Iron and Steel	947
	Opium	83,699
	Trunks, Clocks, Carmine, &c.	1,214
		£133,530
		36,301
		£169,831

5317. Is the export of woollens from this country to China on American account a new branch of trade?—It has been carried on by myself since 1818. Previous to that time the goods could not be sent, on account of the prices being too high; there were some orders received, but which were not executed.

5318. Previous to that period, what were the chief exports of the Americans to Canton?—I cannot say exactly; but it was in specie, iron, lead, &c. 11 June 1830 — Mr. C. Everett.

5319. Were there any manufactured goods exported?—None by the Americans.

5320. Do you mean none from this country?—None from this country; and I do not know of any from America. I was not much acquainted with the trade till 1818, and my knowledge of it is confined principally to manufactured goods.

5321. You are not aware of any exports from America to Canton previously to the year 1818, with the exception of dollars?—No.

5322. By that account you have given in, does it appear that the export of woollens and cottons from this country has increased during the period to which that account refers?—It has in quantity; the fall in goods has been so great that the amounts do not appear so much increased as the quantities have been. I have a statement, marked (C), which will show the value of the leading articles at different periods, compared with the value of the same qualities in 1820. One hundred pounds would purchase double the quantity of woollens that it would in 1820.

5323. Have the goodness to deliver that in.—There was a considerable decline previously to 1820, which I did not notice, as I wished to make a calculation from a date when goods were about one hundred per cent. above present prices.

[*The witness delivers in the same, which is read, and is as follows:*]

(C.)

A STATEMENT shewing the Value of *Long Cloths*, *Camlets*, and *Broad Cloths*, compared with the Prices of the same Qualities at different Periods, from 1820 to 1830.

Long Cloths.

In 1821	were	2½	to	5	per cent. less than 1820.
1822	—	5	—	7½	—
1823	—	10	—	15	—
1824	—	20	—	25	—
1825	—	12½	—	15	—
1826	—	30	—	35	—
1827	—	35	—	40	—
1828	—	40	—	45	—
1829	—	45	—	50	—
1830	—	47½	—	50	—

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Camlets.

In 1821	were	5		per cent. less than 1820.
1822	—	10	to 0	—
1823	—	12½	— 15	—
1824	—	15	— 20	—
1825	—	10	— 12½	—
1826	—	17½	— 20	—
1827	—	25	— 30	—
1828	—	30	— 33	—
1829	—	37½	— 40	—
1830	—	42	— 45	—

Broad-Cloths, suitable for the China Trade.

In 1821	were	5	to 7½	less than in 1820.
1822	—	7½	— 10	—
1823	—		— 10	—
1824	—	12	— 15	—
1825	—	5	— 10	—
1826	—	35	— 40	—
1827	—	40	— 42½	—
1828	—	42	— 45½	—
1829	—	45	— 47½	—
1830	—	47½	— 50	—

Long Ells at 55 per Cent. lower than in 1820.

It appears from this Table that double the quantity of manufactured goods can now be purchased for the same sum paid in 1820; therefore, to form a correct estimate of the increase of the exports to China or elsewhere, it will be necessary to compare with the quantities, and not the value of the shipments.

5324. Is the paper you have delivered in formed on your own exports to China?—The calculations are as accurate as I could make them from actual purchases and from the invoices.

5325. Are you able to deliver in a statement of what those exports have fetched in China in those several years?—No, I am not.

5326. Are you aware whether there has been a proportionable diminution of the price of those articles in China?—I do not know what the goods have actually brought in China.

5327. Have you any knowledge generally of the profit which has been made upon those exports?—I have no knowledge of the prices they have brought, nor the profits on them; only I presume the shipments have been profitable, as the export has been continued up to the present time. There is one large shipment gone within six weeks.

5328. Your accounts refer to your own exports?—They do.

5329. Are you aware whether general exports of British

manufactures to China, on American account, have increased in the same proportion?—The documents from Messrs. W. and J. Brown and Co.'s house, and that of Messrs. Baring and Co., added to mine, will shew nearly the whole amount; so that the Committee can form their own conclusions from those accounts.

5330. You think the exports are confined to those three houses?—I think they are.

5331. Do you think that any proportion of those exports from this country has been sent on British account?—Not any by American vessels.

5332. Are you aware whether any such exports have taken place?—None that I know of, except by Company's vessels; and those were small shipments by the pursers and officers.

5333. There have been none by individuals, so far as you are aware?—None.

5334. Could not a shipment for China have been effected by a British merchant in an American ship?—Yes.

5335. You have no reason to suppose that has been done?—I do not know of any shipments by vessels direct to Canton. There is one shipment now preparing, which I suppose to be on British account.

5336. Is that to a large amount?—To a considerable amount.

5337. Have not the Americans possessed, for several years, the same facilities for exporting manufactures to China which, if the trade was opened, would be possessed by British merchants?—I think they have.

5338. Have they more?—They are perhaps better acquainted with the China trade than British merchants.

5339. Can they export, in your opinion, British manufactures to China at a smaller expense than they could be exported by British merchants?—That depends on the management of the ships. American vessels are sailed at less expense, and there is less parade.

5340. Is that the general character of their shipping?—Yes; and the captains are actually sailing masters, and always on the alert, and urging despatch.

5341. Do you think that, in the event of opening the trade, the Americans would still retain that export of British manufactures to China which they now possess; that they would be able to undersell, in that trade, the British merchant?—They would have the same advantage that they have at present, knowing the trade better than the British merchant.

5342. Do you think they would undersell the British merchant, and keep that trade to themselves?—It depends on the

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management of the British merchants; no doubt they are competent to carry it on.

5343. You stated that the American ships sail at less cost than the British ?—The British merchant might employ an American vessel.

5344. But unless he did that, he could not, in your opinion, convey his goods to China at so small a cost as the American ?—No, I think not.

5345. Then, unless he adopted that course of conveying his goods to China, you think that the Americans, after the opening of the China trade, would keep that trade to themselves ?—Unless the British system is altered, and they could undersell the Americans. The American vessels are built for less money, and they take a less number of men; the captains have no servants; there is not the style that we see on board an English ship.

5346. The Americans having had for several years the power of exporting British manufactures to China, do you not imagine that they have carried their exports to as great an extent already as, under the circumstances which have taken place, they could have been carried to had it been in the hands of British merchants ?—By no means; if it had been an open and free trade it might have been increased (in my opinion) very much. Indeed, the capital of the houses that have been engaged in it is not sufficient to carry all the goods which might have been taken.

5347. Had it been a very profitable trade, do you not think more capital might have flowed into it ?—It is possible it might; but there but few that have been acquainted with it; there have been two or three houses concerned in the shipments.

5348. You are probably aware that the nature of the trade at Canton has been perfectly well known, and made public for many years, and that peculiar facilities exist in the port of Canton for carrying on trade ?—Yes, that is certainly the case; but the Americans have not that capital to put into long voyages that will be found in England.

5349. Had the trade been very profitable, do you not imagine the Americans would have found capital to have carried it on to a greater extent—that they would have borrowed capital ?—They may not have been aware that it has been profitable.

5350. If that had been the case, however, do you think it would have become known ?—I cannot say.

5351. Do you think the making a great profit in any one line of trade can long remain a secret from merchants in general ?—Yes; that the assortment of the goods, and where they are to be procured, is not generally known; and there is no reason

why every merchant should know it. For instance, no one would know what assortments of goods I ship without looking at my books. 11 June 1830. Mr. C. Everett.

5352. In your opinion, the China trade is capable of much greater extension than has been hitherto given to it, provided greater capital were employed?—Yes.

5353. What articles of export do you apprehend are the most profitable?—Cottons and woollens.

5354. What has been the amount of profit on cottons and woollens, you do not know?—No.

5355. But you are disposed to think that the greatest profit could be made upon them?—Yes, of the English manufactures.

5356. Are you aware that the East-India Company state that they have lost on the exports of their cottons and woollens?—I have heard so.

5357. Can you understand how that has taken place?—It is owing perhaps to their giving more for them, and to the expense which attends their movements.

5358. In what part of their trade is that extraordinary expense of which you speak?—I believe it extends through the whole system. Large bodies cannot act with that prudence and economy which individuals can.

5359. It continues from the purchase of the goods to the ultimate sale of the returns?—Yes. I think their shipments have been about £800,000; and I have shipped myself to China and America, five or six years in continuation, £200,000, with the assistance of a few clerks. They maintain an immense establishment for the purpose.

5360. Has the exports of British manufactures to China been doubled in quantity since the year 1821?—The statements I have handed in, when compared with the reports from those three houses to which I have referred, will show your Lordships that exactly.

5361. Have you an account shewing the quantities of each article, and the amount of shipments?—I have.

[*The same is delivered in and read, and is as follows:*]

(B.)

Date.	CLOTHS.		CAMLETS.		LONG ELLS.		COTTONS.		SUNDRIES.	TOTAL.
	Pieces.	Value.	Pieces.	Value.	Pieces.	Value.	Pieces.	Value.	Value.	
		£. s. d.		£. s. d.		£. s. d.		£. s. d.	£. s. d.	£. s. d.
1818	87	1,809 7 2	—	—	—	—	—	—	—	1,809 7 2
1819	2,024	16,888 9 8	100	729 5 9	1,700	5,168 14 0	—	—	3,662 5 6	26,448 14 11
1820	3,494	29,228 7 3	9,246	63,377 13 1	5,560	15,605 10 10	4,158	5,828 10 4	25,599 2 10	139,639 4 4
1821	3,570	33,927 16 4	2,863	18,645 17 1	3,640	9,716 11 8	19,871	24,960 9 4	12,940 1 8	100,190 16 1
1822	240	1,770 9 6	2,300	15,116 5 0	400	957 1 6	8,590	8,154 17 1	2,469 9 4	28,468 2 5
1823	2,356	14,811 19 4	1,000	5,656 9 2	11,620	22,866 19 8	8,014	13,190 19 8	10,521 13 6	67,048 0 4
1824	5,480	43,670 3 0	3,048	12,486 12 6	5,860	11,664 13 4	51,912	49,585 11 8	8,274 3 3	125,681 3 9
1825	—	—	—	—	500	1,047 11 0	7,483	6,361 2 2	—	7,408 13 2
1826	9,036	75,660 10 4	2,310	14,655 17 0	2,100	4,147 10 6	65,500	56,552 3 4	17,229 11 11	168,245 13 1
1827	508	3,219 16 11	1,200	8,136 12 0	—	—	43,948	29,619 16 2	4,720 11 0	45,696 16 1
1828	1,300	10,835 4 0	2,700	14,184 5 0	2,000	3,347 6 6	17,095	13,531 0 1	9,583 16 2	51,481 11 9
	28,095	231,822 3 6	24,767	152,988 16 7	33,380	74,521 19 0	226,571	207,784 9 10	95,000 15 2	762,118 3 1

The above is a Statement of the Quantity and Value of each Description of Manufactured Goods purchased by Charles Everett for the China Trade, from 1818 to 1828.

5362. By that statement it appears that in the year 1820 the number of pieces of cloth shipped was 3,494; in the year 1821, 3,570; it appears by another statement of yours, that since those years the price of cloth has been diminished nearly fifty per cent.; but in the year 1827 it appears that only 508 pieces of cloth were exported, and in the year 1828 only 1,300; can you explain from what circumstance that arose?—They may have been in part of finer cloth by the early vends.

5363. Does that appear on reference to the comparative prices?—There is certainly a great irregularity in the quantity shipped. Of those shipments in the year 1826 one-half of the goods were bought in 1825.

5364. Will you look to the article of camlets; that appears to have diminished in price from forty-two to forty-five per cent. since the year 1821; and the number of pieces of camlet exported in the year 1820 was 9,246; in the year 1821, 2,863; whereas in the last two years, notwithstanding the great diminution of price, the number in 1827 was only 1,200, and in 1828, 2,700; can you account for that?—It may have been that there were too many of them sent the year previous.

5365. In the year 1826 it appears that only 2,310 were sent, and that in the year 1825 none at all was sent?—The shipments in 1825 were delayed till 1826.

5366. The shipment of 1826, which is 2,310, must be divided then between the two years 1825 and 1826?—Yes, it should be so divided.

5367. On a comparison of the shipments of the two last years and the shipment in 1821-22, it would appear that the shipments had fallen off, notwithstanding the diminution of price?—That would appear by this document only; but if your Lordships refer to the shipments of 1829 and the present year, there has been a much greater quantity of camlets shipped than at any former period.

5368. Can you complete this account to the year 1829?—The house of Baring and Company have continued the shipments for the same parties, and their accounts, with Messrs. Browns' statement, will complete the account of American shipments.

5369. If you refer to the article of long ells, in the year 1819 seventeen hundred pieces were exported; in 1820, 5,560; in 1821, 3,640; the prices of long ells appear to be fifty-five per cent. lower than they were in 1820, notwithstanding that in 1826 there are only 2,100 pieces exported, in 1827 none at all, and in 1828, 2,000; in what way do you account for that, supposing the exports to have been profitable?—Perhaps there were none in the market when the orders arrived, and I took

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other goods. You will find from Baring and Company also, that a great quantity of ells were sent in 1829 and 1830.

5370. The export of cotton appears to have largely increased? —Yes. Many of your Lordships' questions may be answered by the fact of the orders having been executed at very short notice, and such articles bought as could be furnished within a certain time.

5371. It appears that, with the exception of cotton, the articles were smaller in amount than in the year 1820?—Mr. Baring's shipments being added to mine, will shew that the whole export of those articles has been increased.

5372. The export of British goods on American account from this country having, according to your account, increased very largely during the last three or four years, how do you account for the diminution in the sale value of merchandize imported by Americans into China in the course of these three or four years, 1824-5, 1825-6, and 1826-7?—That may be accounted for by the cargoes having been sent to Manilla or elsewhere after touching at Lintin.

5373. The account to which the question refers, which is No. 25 of the papers presented to Parliament in the year 1829, refers to the sale value of merchandize actually imported into China. By that it appears, that in the year 1824-5 the sale value was 2,439,545 dollars; in 1825-6, 20,050,831 dollars; and in 1826-7, 20,002,549; thus shewing a gradual decrease in the value of the merchandize imported into China by the Americans in those three years; if the exports of British manufactures has increased in those three years, in what articles do you apprehend that the export of the Americans has fallen off? —I cannot answer that question exactly.

5374. You have no knowledge of the trade of the Americans, except that part which has fallen into your own hands?—No, I have not.

5375. In what manner have you purchased your cottons and woollens for your American constituents?—I have bought them generally by samples, and by personal inspection of them.

5376. Not by contracts?—Sometimes by contract, but not by tender.

5377. You think that is an uneconomical mode of transacting business?—It is the worst way, in my opinion, that business can be transacted.

5378. Where a business is of very great extent, do you think it would be equally well conducted without tender?—Yes, certainly I have shipped to America and China altogether, as before-mentioned, two hundred thousand pounds a year, which is one-quarter part of the East-India Company's purchases of goods.

5379. Going into the market as you do, do you apprehend that you obtain as good an article as the Company at as low a price?—Yes, certainly.

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5380. When there is any inferiority in any part of the articles you receive, do you reject them?—We reject them, or buy them at a lower price.

5381. Should you say generally the articles you have exported are of as good quality as the articles exported by the Company?—The articles of cloths and camlets are in my opinion better than those the Company have usually sent out; the cloths have been decidedly better.

5382. Have you any means of knowing at what prices the Company have purchased?—No. I have seen some minutes of their contracts.

5383. When you have seen minutes of their contracts, have they in your opinion paid too high a price?—They have paid higher prices than I have done.

5384. Have you had an opportunity of comparing their article with yours?—They have been compared in the China market.

5385. Have they fetched a higher price?—My camlets and cloths have been preferred to the Company's. I have never had any complaint in the long ells; but I knew them to be inferior, as I selected them from rejected goods principally.

5386. If the Company, exporting better long ells than you have done, have lost upon that export, and you, having exported rejected goods, have made a profit, would it not appear that the Company have exported goods of too fine a description for the market?—No; the finer the goods the better, if the prices are in proportion.

5387. Is the general demand for the China market for the finest description of goods?—The finest description of goods I have found answer best; that is, the finest spun articles and useful qualities. The long ell is a very firm stout article, and will wear better than any fabric I am acquainted with in woollens to be had for the same price.

5388. Have you exported various sorts of cotton goods to China?—I have sent in quantity only a few kinds.

5389. Have you sent on speculation any new species of goods?—I have sent samples repeatedly.

5390. Have they succeeded as you have understood?—Some have, and some have not.

5391. Have you been desired to export many of those articles you have sent on speculation?—Yes, several.

5392. To any extent?—There is one article to a great extent I have had manufactured in Leeds.

5393. What is the nature of that article?—Bombazetts. I

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sent one bale, and received back £120 clear profit; and there were orders returned for about 10,000 pieces, and many more would have been shipped if they could have been made all of a particular colour; such orders were not executed.

5394. Do you know what is the commission charged on the sale of goods at Canton?—I believe five per cent. is the usual charge at Canton; but my employers had a partner residing there.

5395. What is the commission usually received by merchants in this country for purchases for American houses?—Two and a half per cent.

5396. Do you act under instructions from the merchants of America, or from houses in this country?—I have acted under the order of houses here in purchasing for China, and by direct orders from America.

5397. Under the orders of what houses do you act?—The orders, in the first instance, were received through Williams and Company, and they now continue through Baring and Company.

5398. You have acted rather as broker for the purchase of the articles?—The orders have in some instances been direct to me; but I have always been acting under the direction of the houses here, who are the banking agents for the parties in America, and control the sales of the return cargoes on the Continent.

5399. You have yourself inspected the goods?—Yes, I have.

5400. Do you go yourself into the country for the purpose of selecting them?—Whenever it is necessary.

5401. Has any improvement taken place in the manufacture of woollens and cottons of England within the last ten years?—Yes, there has been great improvements in cloths.

5402. The article is better, as well as cheaper?—The goods are more even and better finished by the machinery. There has been a machine introduced for shearing, which was previously done by shears, but is now done by a revolving apparatus, or spiral shears.

5403. Have you at all calculated how much per cent. more the best goods now would have fetched in the year 1820 than the best goods manufactured at that time?—The calculations I have given refer always to the same quality of the same article. I have duplicate patterns of former purchases to compare with the present.

5404. In consequence of the great improvement in the quality of some of the articles, the best article will not have fallen in price quite as much as appears in this statement?—In the calculation in the statement (C.) I always refer to the same description of goods which were bought in 1820, and speak of

the same quality of each article in the subsequent years. There have been improvements in the manufacture, and those improvements have assisted in reducing the prices. 11 June 1830. — Mr. C. Everett.

5405. Is it possible now, not only to purchase the same article, an article identically the same as that you would have purchased in 1820 for half the price, but for half the price do you actually get a better article?—No; the same article.

5406. Do you apprehend that the improvement in the quality of the article has tended to increase the demand in China?—The article shipped has been about the same.

5407. Then the more improved articles have not been shipped?—Yes; better finished.

5408. They are of the same quality, better finished?—Yes.

5409. For half the price now you can furnish the same article you furnished in the year 1820; but that article will be better finished than it was in the year 1820?—Yes.

5410. Do you mean that they are more durable?—The cottons are made more even by the steam loom; and cloths finer spun, and finished better, by the improvements in machinery.

5411. Can you state whether the Americans procure woollens and cotton goods anywhere else to export to Canton besides those they procure from England?—They procure them from the United States also.

5412. Have you a statement of the quantities they have exported from America of their own manufacture?—I have.

[*The witness delivers in the same, and it is read, and is as follows.*]

An Account of the Value of Foreign and Domestic Cottons, Woollens, and Metals exported from the Ports of the United States of America in the years ending the 30th September 1827 and 1828, extracted from a General Statement respecting the Import and Export of Merchandize, printed by Order of Congress, February 10th 1829.

—	1827.		1828.	
	Foreign.	American.	Foreign.	American.
Woollens	19,264	—	7,210	—
Cottons	76,274	9,388	204,789	14,981
Cotton Twist	—	—	3,574	—
Iron in pigs, bars, and sheets	3,398	4,250	14,885	—
Copper in pigs and sheets	4,114	—	11,819	—
Tin plates	3,570	—	2,056	—
Lead	178,131	—	69,051	—
Value in dollars	284,751	13,638	313,384	14,981

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5413. Have you any reason to suppose that they have procured woollen manufactures for the purpose of exporting to Canton from any other country in Europe besides England?—No.

5414. Has the quantity exported from the United States increased in the same proportion with the quantity exported from this country?—I believe there have been very few goods sent from the United States recently. I have not heard of any.

5415. Are you upon the whole inclined to believe that the exports from the United States will become greater or less, as compared with those from this country?—It is more convenient to take the goods from hence, if they want any considerable quantity of British manufactured goods, rather than take them from the United States, though some small quantities may go from thence. The expence of sending goods to America and reshipping would be equal to ten per cent.

5416. If they could be carried by British ships, do you think all the goods now carried by American ships would be carried by British ships from hence to India?—A great proportion might be carried by British ships: but it is uncertain.

5417. In preference to American ships?—There are only one or two parties engaged in the trade now; and I believe those parties would give up the trade if it was open; it would be left to the English merchants, unless other Americans engaged in it.

5418. Would not the exporting merchant select the ship in which he could send his goods at the least freight?—Certainly.

5419. If the freight of the American ship was the lowest, would he not send it in an American ship?—Yes, I should think he would. It is generally known, and I believe understood, that an American ship can go at a less expence than an English.

5420. Can you state what is the difference of freight between an American and a British ship at the present moment; from hence to America, for instance?—Very few English ships go from hence to America with manufactured goods; the American ships are taken in preference.

5421. Can you state the comparison on any voyage?—The freight of the British ships is generally lower: but the American ships sailing so much faster, and better commanded, they do not like to ship valuable merchandize by an English vessel to any port in the United States.

5422. When you speak of English freight, do you allude to the amount of freight from London or from English ports generally, taking into consideration the difference between Liverpool and London?—I should take both Liverpool and London, as far as I know the trade. The American packets run regu-

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larly; that is another reason they command a better freight; so that no just comparison can be made between the freight of an English and American ship to America.

5423. Can an English ship, under the present American law, carry the same cargo that an American ship can carry from this country?—I believe an English ship can carry the produce and manufactures of England, but not of other countries. Every article I ship to America might be, except foreign merchandize

5424. With what description of vessels were you comparing the American, when you stated that they could sail so much cheaper?—As comparing them with the East-India Company's ships and private-traders.

5425. Are the private-traders sailed with the same parade and expense as the Company's ships?—I believe they are; but I am not fully acquainted that.

5426. What attempts have been made, through you or the houses which employ you, to introduce any new article of export?—I have made repeated experiments, and have succeeded with some articles.

5427. In what kind of articles?—In woollens and cotton long-cloths, of which there are large quantities now shipped and sent out since the first experiment. They were copies of the long-cloths from Bengal.

5428. Have any of those articles succeeded to a considerable extent, so that a large export takes place?—Yes; the export of long-cloths is to a considerable extent. There was no export of long-cloths by the first vessels.

5429. You say that a large shipment has been made within these last six weeks; do you know of what it consisted?—I must beg to refer that question to Messrs. Baring and Company, who shipped the goods by the Bashaw.

5430. Do you not think that the size and the warlike appearance of the East-India Company's ships has had rather a tendency than otherwise to excite the jealousy and the vigilance of the Chinese?—I am not sufficiently acquainted with that part of the subject to answer that question, not having been in China.

5431. Do you not think that if an English free trade were admitted to China, the possession of India by this country would give them a great advantage over the Americans?—No, I conceive not. The Americans have established their character with the Chinese traders, and it would be difficult to dispossess them of the trade.

5432. Would not the possession of India by this country afford the English trader very considerable advantages in carrying on trade with China?—I should suppose it would.

5433. Do you know whether it has been generally expected

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by the Americans, that when the existing charter of the East-India Company was at an end the trade with China would be opened?—There is a variety of opinions upon that subject; I do not know what the general opinion is.

5434. Do you know of any considerable American house that is preparing to relinquish that branch of its trade?—I believe the house of Perkins and Company will relinquish their business. Mr. Cushing is gone out for the express purpose of closing their concerns at Canton.

5435. Has not he made a very large fortune by it, first?—Yes, I believe he has.

5436. How much do you suppose?—I suppose about £500,000.

5437. How long has he been in China?—Twenty-two years.

5438. Do you know whether the same house intend to relinquish any other part of their commercial business?—I believe they are giving up the business altogether.

5439. Have they all made as large fortunes as Mr. Cushing?—Being partners, I presume they have, in proportion to their share in the concern.

5440. How many partners were there in that house?—Three.

5441. You have stated that American ships are built at a cheaper rate than English ships; have you any knowledge of the relative prices of ship-building in both countries?—I have no particular knowledge. The principal materials for ship-building are much cheaper in America, and of the best kind; and great improvements are made in the models and rigging, by the constant attention of ship-masters to make the vessels complete and fast sailers. They are generally built under the inspection of captains well acquainted with the qualities required by actual experience.

The witness is directed to withdraw.

Ordered, That this Committee be adjourned to Tuesday next, One o'clock.

Die Martis, 15° *Junii* 1830.

The Lord President in the Chair.

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J. Stewart, Esq.

JOHN STEWART, Esquire, a Member of the House of Commons, attending, is examined as follows:

5442. You have been frequently in China, have you not?—I have.

5443. In what situation have you been there?—I have been there in the situation of mate and commander of a ship, and agent for the transaction of business connected with the ship I

commanded. I have also had other ships, with their cargoes, consigned to me in China, whilst I was there. 15 June 1830.

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5444. Have you resided at Canton for a considerable period of time together?—Never more than six or seven months together.

5445. At the time you were agent, did you transact business on your own account?—To a very limited extent. As commander of a ship, and also when mate of a ship, I used to trade on my own account, in a similar way to that in which the commanders and mates of East-India Company's ships trade, though not to such an extent.

5446. With whom did you carry on your trade at Canton?—With the Hong merchants, and with the outside merchants; to a very considerable extent with both.

5447. With which description did you prefer dealing?—With the Hong merchants, generally speaking; but there are certain articles of merchandize which the Hong merchants will not supply; and I have dealt very extensively with the outside merchants, particularly in the purchase of gold and silver bullion, which the Hong merchants would not supply. The returns I had occasion to make from China to my constituents in India were sometimes made to a considerable extent in bullion, and that I used to purchase exclusively from the outside merchants.

5448. The exportation of bullion being contrary to law?—Being prohibited, as I understand, by the law of China, although openly sanctioned by the custom-house officers at Canton, on payment of a small fee.

5449. When you transacted business with the outside merchants, was it not necessary that some Hong merchant should lend his name?—If the purchase is made from an outside merchant, he makes an arrangement with the Hong merchant, and the goods are shipped off from the warehouse of the Hong merchant, so that it appears to be supplied by the Hong merchant; that, however, is an understanding entirely between the outside or shop merchant and the Hong merchant, with which the European purchaser has nothing to do. In purchasing gold and silver bullion from the outside merchant, it is generally received at the house of the purchaser in Canton, and sent on board ship entirely at his own risk.

5450. That was entirely a smuggling transaction?—Not entirely so, as the shipment is permitted by the Chinese custom-house officers, on payment of a fee.

5451. Whether you bought of the Hong or the outside merchant, did you buy by contract, or as you wanted the articles?—As I wanted the articles.

5452. You preferred that mode of carrying on business?—Yes.

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5453. Did you think you obtained goods of equally good quality in that manner?—Yes. I of course saw a sample of the goods before I settled for the price, and then I gave an order for the quantity, which was prepared accordingly; I might of course superintend the packing of them, if I chose, or depute another to do so; sometimes I did so; at other times I trusted it to the Hong merchant.

5454. Trading with a small capital, you would consider it more advantageous to make your purchases in that manner; but if trading with a very large capital, should you think it advisable?—It would depend on circumstances. Whatever might be the amount of capital, I should consider it necessary to ascertain whether I could purchase goods on better terms from the Hong merchants than from the outside merchants. In purchasing a small quantity of goods, say from 1,000 to 2,000 pounds worth, it would generally be better to deal with the outside merchants, for we could go to their shops and select at once the goods we wanted; but in purchasing a whole ship's cargo, or investing to any large amount, I should conceive it was more advantageous to deal with the Hong merchant.

5455. Purchasing a large quantity at a time from the Hong merchants, should you purchase it by contract, or should you venture to trust the supply of the market, if you were desirous of making a very large purchase?—I do not exactly understand the question; does it refer to a purchase of goods to be delivered at a distant period?

5456. As the East-India Company purchase their teas?—I have always made purchases at the time I have required the goods, and have never bespoken a cargo at a distant period. It would depend on the fluctuations of the market how a purchase by contract answered; it might be advantageous one year, and not so another.

5457. If you were called upon to make a purchase to the extent the East-India Company do, or even a smaller, should you not think it a safer way to make a previous contract for the delivery of the quantity required?—I think I should, if purchasing to such an extent, make a previous contract for the quantity of goods required.

5458. If the Company adhere to the system of making contracts rather than purchasing in the market, it is not to be considered that that is a proof that they conduct their trade carelessly, or with disregard to the expense, but as a circumstance connected with the extent of their demand?—Unquestionably; it is by no means a proof that they conduct their purchases carelessly, but the contrary.

5459. In your opinion, what would be the effect of opening

the trade of Canton to English merchants generally?—Most beneficial, in my opinion, certainly. 15 June 1830.

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5460. Have the goodness to explain the effect which that opening of the trade would have, first upon the commerce of this country, and then upon the commerce of India?—I should conceive that it would affect the commerce of this country beneficially, inasmuch as under the operation of a perfectly free trade to Canton I am of opinion that there would be a greater consumption in China of the staples and manufactures of this country, particularly of woollens and metals, but metals more, I think, than any thing else; and China, in its varied productions, would afford the means of making returns direct to this country, if it were desirable, in goods, without loss; whilst returns to a great extent might also be made in bullion, when desirable, there being generally abundance of gold and silver to be obtained at Canton. It would also be the means of employing an increased number of ships and seamen. The effect of such a trade would operate in India on the same principle, by increasing the export of the produce of that country to China. In connection with that part of the question which relates to the trade from this country, perhaps the most profitable mode of carrying on trade with China, if it were perfectly free, would be circuitously, by India—sending a ships' cargo out to India, to be sold there, and the proceeds invested in the produce of India, to be carried on to China, and the returns brought home direct from China, and *vice versâ*. Ships from India would proceed in the first instance to China, from thence to this country, and then return to India.

5461. Do you apprehend that in that trade a profit will be made upon the outward or the homeward cargo?—I think more generally upon the outward cargo. I should say that if the proceeds of the outward cargo were returned to this country without loss, there would be, generally speaking, a fair mercantile profit upon the adventure; the difficulty is at present, and I believe has been for the last ten or twelve years, in getting funds home from China.

5462. Is there at present any difficulty in obtaining bills on England in China?—I believe a very considerable difficulty.

5463. Are not the Company willing to give those bills to some extent?—I believe of late years they have never drawn to any extent on London when they could help it; as when they have required funds at Canton, they have generally preferred giving bills on India to drawing on London.

5464. If the Company were disposed to give to a large extent bills on England at Canton, do you apprehend that under those circumstances the opening of the trade would still produce any considerable advantage to the English trader?—It would depend upon the rate of exchange at which they gave

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the bills; but still under any circumstances I think that the opening of the trade would be advantageous, as I think a more favourable remittance would, generally speaking, be obtained through the medium of goods than through the medium of bills of exchange.

5465. The merchants' gains would be the difference between the profit on the remittance of goods and the difference in remittance by bills?—Yes, if the bills were given at par.

5466. Have not the Americans had the facilities of sending from this country to China British manufactures?—I believe so.

5467. Do you apprehend that, if the trade were open, an English merchant could send British manufactures at a cheaper rate to China than the American merchants can now?—I should suppose they could be sent by the British merchants much on the same terms; I fancy we sail our merchant vessels as cheap as the Americans do now.

5468. The American merchants having now the means of sending their British manufactures to China, and it being your opinion the British merchant, in the event of opening the trade, would not have the means of exporting those manufactures at a smaller cost, what reason have you for thinking that the opening the trade would increase the export of British manufactures to China?—I believe that in this country the ship-owner and merchant are frequently combined in the same person. If I owned a ship in the port of London, I apprehend that I could send my goods cheaper to China in my own ship than I could freight them in an American, and I should prefer doing so to trading under a foreign flag, even if that were perfectly unobjectionable; besides, circumstances might occur to interrupt the transit of goods by a foreign flag, such as a war, which would not prevent our sending the same under a British flag.

5469. Do you think, if a British merchant were owner of a ship, he could carry his goods to China at a smaller cost than the American?—Perhaps not at a smaller cost, but with greater facility,—and probably even at a smaller cost; but that would depend upon the rate of freight charged by the one and the other; and the rate of freight might be influenced by a variety of political circumstances; a war, or the prospect of war, might raise the rate of freight by the one, and lower it by the other.

5470. Must not a merchant who exports by his own ship make two profits; the one by his ship, and the other by his goods, and thus be in exactly the situation of a person who exports on the ship of another, and pays freight?—No. It is the custom of some merchants to combine the earnings of the ship and the profit on the goods, making them in fact one adventure, debiting to that adventure the cost and outfit of the ship, and

the price of the goods; and on the return crediting it for the proceeds of the goods or returns, and for the value of the ship at her return. I believe that other merchants again do separate the two, and keep the earnings of the ship quite distinct from the profit or loss on the goods.

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5471. Though that is a different mode of keeping the accounts, will it make any difference in the extent of the profit of the person who so engaged his capital?—None whatever; only that by keeping the account in one way there might appear a profit on the goods, whilst there was a loss on the ship.

5472. Cannot British manufactures be sent to China by means of the country trade?—Yes, certainly.

5473. Are they to any extent?—To a very limited extent, I believe, at present.

5474. Can you account for that?—Only in this way; that the raw cotton produced in India affords a better chance of profit than British manufactures purchased in India with the advance upon them there.

5475. In point of fact, have not British manufactures been sold in India at a cheaper rate than they could have been procured in London?—Not to my knowledge; my experience would lead me to entertain a different opinion.

5476. Has it not frequently happened that there has been so great a glut of British manufactures in India as to reduce the price below the prime cost?—Not on the western side of India, with the trade of which I am still connected; at Bombay I recollect no instance of this being the case.

5477. If the export of British manufactures to China direct be profitable, are you of opinion that the additional voyage, in which an expense would be incurred by the vessel going to India on the way to China, would so increase the cost of those manufactures as to make the speculation unprofitable?—Certainly, it would have the effect of making the speculation less profitable, and in some instances might made it altogether unprofitable; but I apprehend that British manufactures would never be sent to China circuitously through India; they might be sent to India, and sold or exchanged for other commodities there, and the produce sent on to China; or if the Indian markets were glutted, the goods might certainly then be sent on to China.

5478. The state of the law now allows only Americans to export British manufactures to China direct; the law, however, has allowed British merchants to export them from India to China. The question is, whether the export of British manufactures from India to China would be an unprofitable transaction, the cost of those manufactures having been so much increased by touching in India on the way?—Generally speaking, I apprehend that would be an unprofitable transaction.

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5479. Have British manufactures been deposited at Sincapore, for the purpose of being taken up by country ships on their way to China, to any extent?—I am not aware whether that has been the case or not; I have had very little communication with Sincapore myself. The ships from Bombay have generally had full cargoes from Bombay to China, and I apprehend have very seldom had any goods from Sincapore.

5480. Might not British manufactures have been sent from hence direct to Sincapore, and then been taken up by British ships and carried on to China?—I think they might, and that it might advantageously have been done.

5481. It is not within your knowledge that it has been done? —No.

5482. Are not you of opinion that would have been done if there had been a prospect of advantage?—Certainly.

5483. What are the circumstances then which induce you to think that, in the event of opening the trade, a much greater quantity of British manufactures would be exported to China? —I think the consumption of them in China would increase under such circumstances, the importation of them to China being at present very much restricted; whereas, if the trade were open, considerable shipments would be made under the British flag and which would find their way into the interior of the country, under the operation of a free trade, conducted with all the commercial enterprize of British merchants. The wants of China, in metals particularly, are very extensive. China does not produce a sufficient quantity of iron or copper for its own consumption; and the exportation of all metals from Canton, with the exception, I think, of lead, is prohibited.

5484. Do you think that the Chinese would purchase to a much greater extent, unless the manufactures of England were offered at a much lower price than they are at present?—I think the price they now bear is sufficiently low to justify the expectation that they would purchase to a considerable extent.

5485. Do you know that the demand of the Chinese for British manufactures has increased in proportion to the diminution, amounting to about fifty per cent., which has taken place in the price of British woollens and cottons in the course of the last ten years?—I have no information enabling me to answer that question.

5486. Would not the natural course of things be, that on so great a diminution of price a larger portion of Chinese capital would be devoted to the purchase of British manufactures than had been before?—I am of opinion that that would be the effect under the operation of a perfectly free trade.

5487. Is not that true as regards the Americans?—I believe it is perfectly so.

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5488. Then why should it not have been so under the operation of that perfectly free trade carried on by the Americans?—Possibly it may have been so; I cannot say.

5489. If it has not been so, should you not infer that there has not been a demand in China for a greater quantity of British woollens and cottons?—That would be a natural inference, if the experiment has been fully and fairly tried by the Americans; if they have taken out such goods to the full extent required by China.

5490. You are probably aware, from the returns, that the American trade has amounted in some years to from eight to ten millions of dollars, and that out of that amount not more than two or three millions of dollars in any one year have consisted of goods; do you not think that, having so large a capital as that disposable for trade with China, they would have invested a much larger proportion in British manufactures, if the exportation of those manufactures had proved profitable?—I have no doubt they would invest it in the purchase of any goods that would be likely to yield them the most profitable return.

5491. May it not be inferred, from their not having done that to any considerable extent, but that, on the contrary, their exports of British manufactures to China have diminished of late years, that they have not found it profitable to carry on a trade with that country by an export of manufactures?—Certainly; if their trade in manufactures has diminished, no doubt the inference is, that the profit has become less, or that the facilities have not been so great as they were.

5492. Is there not every facility of introducing into China all metals by means of the country trade?—Yes, every facility.

5493. Will you have the goodness to refer to the article of tin, in the account Number 29 of the Papers presented to Parliament last session, and state whether it appears to you from that return that the export of tin to China has been a profitable and is an increasing transaction?—It appears by this, that the importation of tin by country ships into China has very considerably fallen off since the year 1817-18; but it does not follow from this that the importation may not have increased by other means, tin having been an article of export from this country, and it is also procured at different islands of the Eastern Archipelago, and carried from thence by the Americans and others to China. The Banca tin, in particular, is the very best.

5494. Is there a considerable supply of tin to be got at the Eastern Islands?—Very considerable.

5495. Will you have the goodness to refer to page 8, under the article of tin, and state whether the export of tin by the East-India Company appears to have been on the increase be-

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tween the years 1820-21 and 1828-29; does it not appear that there has been none exported since 1822-23?—It does.

5496. Will you state, from the return in page 44, what appears to have been the course of trade with China in particular?—It seems by this return to have fluctuated very greatly indeed; and it would be almost impossible to draw any conclusion as to the state of the trade in that article, if this return included the whole of the iron that had been imported.

5497. The importation into China in the two last years appears to be very much smaller than the importation of the two first years of that return?—Very much so; but the importation of the year 1827-28 appears to be more than double the importation of the preceding year, 1826-27.

5498. But still not to have exceeded the importation of the year 1817-18?—No; it appears to have come up to just about the same amount.

5499. Will you refer to the article iron, at page 8, the iron exported by the East-India Company, and state the result of that return?—There seems to have been a small increase in the quantity.

5500. Would it not appear, from the returns which you have just referred to, that the export of iron and of tin through the East-India Company and all the country trade to China, had not, in the course of the last ten years, been a transaction attended with such profit as to induce any great extension of it?—It does not appear, certainly, to have been extended by the East-India Company, nor by those engaged in the country trade to China; I cannot say for what reason; but it would follow, I suppose, as a matter of course, that they did not find it so profitable as trading in other articles.

5501. Will you have the goodness to specify the articles of China produce which in your opinion would be obtained from China in case of any great extension of the trade?—I scarcely know any country so productive as China, or which contains such a variety of articles that would be required for the consumption of this country and of Europe. Silk in a manufactured and unmanufactured state might be brought to a very considerable extent; drugs are also produced in China; cotton manufactured into nankeen would also be an article of considerable export; and sugar, if it were permitted here. The sugar-cane in China is very extensively cultivated; and there is a great variety of qualities, the finest and the coarsest sugar in the world being, I believe, produced in China.

5502. Have the goodness to refer to page 42 in that account, a return of the silk goods exported from Canton by the Americans for European consumption, and state whether from that return it would appear that the exportation of silk goods for the

consumption of Europe had been a transaction of profit during that period?—I should infer from this return that it was now becoming an article of very great profit, as I see that from 1824-25 to 1825-26, in one year, it has increased about fourteen millions.

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5503. Do you not perceive that in the following year there is no export at all?—There is none.

5504. Have the goodness to refer to the article of nankeens, and state whether in your opinion, from this return, that article of export is likely to have been profitable?—No; it appears to have fallen off very considerably.

5505. Will you refer to raw silk?—Raw silk, by this return, would not appear to be an article of much importance.

5506. Or sugar?—That appears to have fallen off also.

5507. With the exception of cassia, which is stated as a separate article in this account, all the other articles to which you have referred must appear under the head of sundries, if such have been imported into Europe; will you state whether the total amount of all other articles not specified, imported under the head of sundries, appears to have been such as to give the appearance of a profitable transaction?—By this return it has not been always so, certainly; the exports under the head of sundries appear to have fluctuated very much latterly, but that did amount altogether to a very considerable sum.

5508. Should you, by looking at this whole account, and especially for the three last years of the export of tea, as well as of other articles specified, by the Americans to Europe, say that the whole return exhibited the appearance of an increasing and profitable trade?—It appears, by the return I now hold in my hand, that the exports of the manufactures of China produce for European consumption by the Americans during the last three years has been on the decline; but I do not conceive that this is a criterion by which we could judge correctly of the profits of a free trade to China under the British flag; there are articles of China produce brought to the continent of Europe under other flags as well as the Americans; certainly, as far as the American exports are included, they appear to have decreased by this return.

5509. You have before admitted that, as regards the Americans, the trade with China is a perfectly free trade?—I believe perfectly free.

5510. Will you have the goodness to refer to No. 26, in page 41, the account of exports from Canton by the Americans intended for American consumption, and state from an inspection of that account whether in the last three years that trade appears to have been a lucrative and increasing trade?—The average value of the last three years will exceed the average value of the three preceding years.

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5511. Is not the value of the last year in that account only one-half of the value of the preceding year?—Very little more than one-half.

5512. Is not the value of the trade in the last year of that account less by one million than the value of the trade in any other year stated in that account?—Yes, it appears to be so.

5513. What were the articles of produce or of manufacture which you yourself imported into China?—Mostly cotton was the principal article of produce which used to be imported to my consignment at Canton; on one occasion woollens and metals to a considerable extent, purchased from the Bombay government in the year 1805 or 1806.

5514. Were the woollens purchased from the Bombay government?—Yes; they were sent out by the East-India Company, and purchased to a very large extent; and sent on to China by the ship I commanded.

5515. Was the sale of those woollens profitable?—I had no means of ascertaining whether they were or not; I do not know what the cost of them was, and cannot say whether it was profitable or not.

5516. Was the sale of metals profitable?—The metals sent to China were not to so great an extent as the woollens. The metals were mostly resold, I believe at Bombay; some were sent on to China, but whether they yielded a profit or not I cannot take upon myself to say; it was during the previous charter of the East-India Company, and we required a special license to take them on, the exportation of woollens from India to China being at that time prohibited; and we were permitted to take them on only in consequence of their having been purchased from the Company.

5517. Have the goodness to state in what way a merchant calculates the profit on his adventure to China?—He calculates his profit on the whole transaction. I can best answer the question by stating the mode of keeping an account of a commercial adventure from Bombay to China. The prime cost and charges of the goods purchased are debited to the account, together with the freight, insurance, and all charges on to the port of Canton.

5518. So far the account being kept in rupees?—Yes; so far the account being kept in rupees at Bombay. Then the returns are invested in various ways; perhaps some invested in goods for Bombay, others in bullion or in bills; perhaps sent to Bengal or to England, according to circumstances; but the whole is realized at Bombay.

5519. The profit upon the whole transaction is not ascertained till the proceeds of all the returns from China are actually realized in Bombay?—No.

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5520. Then the merchant, in keeping his account of a commercial transaction commencing in India and terminating in India, makes it not one transaction; he does not divide the profit into profit on the export and profit on the import cargo? —As far as my own experience goes, it has been the practice to make it one transaction.

5521. Therefore the profit upon the export cargo, whatever it may be, does not appear stated as such in the books?—No.

5522. Whether the profit be on the export or the import cargo, therefore, is a matter of opinion, but is not to be ascertained by the books of the merchants who enter into those speculations?—Certainly; commercial accounts such as I have mentioned will shew at any time whether the profit has been on the export or the import, because that account shews on one side what the goods cost, and on the other what they sold for at Canton; the merchant may, by analysing the account, with very little trouble ascertain whether the profit or loss has been on the one or the other, or on the two combined.

5523. In what manner do you convert into rupees the sum you receive in China for the export cargo?—We do not convert it into rupees until it is realized in rupees at Bombay; it depends on the rate of exchange at which it can be done.

5524. When you sell your goods in China for tales, in what manner do you convert those tales into rupees, for the purpose of ascertaining whether there has been a profit or loss in the transaction?—We would convert them into rupees at the current exchange existing between Bombay and China at the time.

5525. Would you state the profit upon a transaction of commerce between Europe and China to arise from the export trade? —If I were entering into a commercial transaction myself, I should keep the account exactly in the way I have stated; whether it were a direct voyage to China, or a circuitous voyage, I should debit the accounts with the investment and charges, and credit it with the proceeds as they came in; I should make no difference in the mode of keeping the account.

5526. When you say there is a profit on the export and none on the import, the import is nothing more than the mode of remittance?—Exactly so.

5527. In a free commerce between this country and Canton, will not the merchant of this country have a more easy and more profitable mode of remittance than the American merchant?—It is my opinion that he would have a more easy and more profitable mode of remittance.

5528. Have the goodness to state why you think it would be more profitable?—I apprehend that a British ship would, in the first place, import her cargo into this country at lower

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duties and under much more favourable circumstances than importations could be made under the American flag; and I am also of opinion that we can navigate our ships fully as cheap as the Americans. I cannot entertain any doubt that returns made from any foreign state to Great Britain could be made more advantageously under the British than under any foreign flag.

5529. Can you state the proportionate loss on the freight of a circuitous voyage to Canton through India, and a direct voyage, if permitted, from England to Canton?—At present it would be very little indeed; the rate of freight outward-bound to China by India being so very low, it is almost nominal; it has been as low within the last two or three years as fifteen to twenty shillings per ton; it is now a little higher; but the ships of late years have been going out to India in ballast—almost without cargo.

5530. What would be the loss in point of time?—From two to three months, I apprehend, supposing there were no detention in India beyond that requisite to unload and load the cargo.

5531. Could the cargo be exported from India without having been unloaded in the port to which it was sent?—I apprehend there would be no objection to their carrying on their cargo without being landed; but that would rest entirely with the East-India Company, as a country ship cannot go to Canton now without a license from the Company's government in India.

5532. Do you think an English merchant, in the event of a free trade, would have an advantage over an American merchant, in making a remittance of goods to Continental Europe?—Not that I am aware of; unless he could sail his ship cheaper, I apprehend they would be very much on a par.

5533. If he could sail his ship cheaper, he would make a greater profit on the outward as well as the homeward cargo?—No doubt.

5534. In what description of vessels is the country trade of India carried on as to build and size?—They are very fine vessels, as fine merchantmen as any in the world, and I think the size now varies from five to seven hundred tons; there are a few in the trade as large as a thousand tons; there were formerly twelve hundred ton ships in the trade.

5535. By whom are they navigated?—Entirely by Asiatic seamen, but commanded and officered by Europeans.

5536. Of what country are the Asiatics?—Mostly natives of Guzzerat and the adjacent country, in the ships belonging to Bombay.

5537. What is the freight, in a country ship, from Bombay to Canton and back?—By the latest accounts, the freight from

Bombay to China is about five pounds per ton; the freight back is not generally reckoned by the ton, but the whole ship, when not loaded by her owner, is generally taken for a slump sum, and which, perhaps, might be estimated at from thirty shillings to two pounds a ton; I should say that for about seven pounds per ton a ship could now be chartered to go from Canton to Bombay and back.

5538. What would be the freight of a British ship from Bombay to Canton?—I apprehend the same.

5539. Is there no difference in the expense of building and navigating a country and a British ship?—The expense of building at Bombay is fully as great, if not more, than the expense of building in this country; and there is not much difference in the expense of navigating with Europeans, as fewer British seamen are required in proportion to the size of the ship than if she were manned with Asiatics.

5540. Do you think the trade with Canton would be carried on as conveniently, as well as more economically, in vessels of six hundred tons than it is in vessels of twelve hundred tons, by the Company?—I think that, except as regards the port charges at Canton, a vessel of five or six hnndred tons is better adapted for river navigation in any part of the world than a ship of twelve hundred tons; but a ship of twelve hundred tons has a great advantage in trading to China, as the port charges at Canton are much lower in proportion to the tonnage of a large vessel than they are on a small vessel.

5541. What would be the difference between a vessel of twelve hundred tons and one of six hundred tons?—Perhaps two pounds a ton; but I cannot state that correctly.

5542. Do you mean upon the difference, or upon the whole?—Two pounds a ton upon the difference of six hundred tons; but I cannot state it accurately, without referring to documents, and going into the calculation.

5543. Will you have the goodness to refer to No. 18, and No. 41; would it not appear from the comparison of these accounts, that the total charge per ton is little more than a pound on a Company's ship at the port of Canton?—Yes; by this return it is scarcely a pound.

5544. The difference, therefore, must be very much less than you had at first imagined?—The difference is considerable. There is a certain item of charge which they call a cumshaw, or present, amounting to 1,900 tales, levied on every ship, whatever her size may be, which is more than £600 of itself; and a ship of 100 tons burthen has to pay that charge, whilst one of twelve hundred tons pays only the same. The mode in which they determine the amount of the other port charge is by measuring the ship from the centre of the fore-mast to the cen-

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tre of the mizen-mast, and taking the extreme breadth on the upper deck; and it is from this measurement that they compute the other part of the port charge, and it subjects a small ship to a much heavier charge in proportion than it does a large one, and it is consequently in that point of view much more advantageous to trade to China with a large ship, as far as the port charges are concerned, than with a small one. The port charges in any case are very heavy at Canton; but I would beg to correct the answer I made when I estimated the difference of charge between a large and a small ship at about two pounds per ton, as I think now that it cannot be so much.

5545. If the account number 41 states the whole of the charges imposed by the Chinese government on ships entering the port of Canton, the difference of charges on a small and a large ship must be less than you at first imagined?—This statement does not alter the opinion I gave as to the relative difference; in stating that there would be a difference of about two pounds per ton, that I apprehend would, generally speaking, be an over estimate, but the relative difference will still be very great; it will probably be one-half in some ships, one-third in others, and one-fourth in others, according to their relative tonnage.

5546. Do Company's ships remain much longer at Canton than the ships of private merchants?—Generally speaking, they do; but that depends upon the period of their arrival. They arrive at Canton at different periods of time, and they begin to load and despatch them when the new teas come down, which is generally in October or November; and they continue sailing up to February, two or three at a time, every fortnight.

5547. Do the Factory appear to take pains to despatch the ships as soon as they can?—Yes, certainly.

5548. Is the time of their arrival so calculated as not to entail any unnecessary demurrage?—Yes I think that the arrival and despatch of the Company's ships at Canton was, so far as I had an opportunity of seeing, managed as well as it could be.

5549. Are teas, in your opinion, conveyed more safely in a ship of 1,200 than a ship of 600 tons?—No; I cannot conceive there would be any difference in the safety of their conveyance.

5550. They would not incur any damage by being shipped in a ship of 600 tons?—I do not apprehend they would incur more danger or risk in a ship of 600 tons than in a ship of 1,200 tons.

5551. Will a ship of 600 tons have as large a quantity on board as a ship of 1,200 tons in proportion to the tonnage?—Generally speaking, she would; but much depends upon the formation of the vessel. Some ships that measure 1,200 tons will not carry so much tea by 100 tons as others of the same registered tonnage, the measurement being calculated according

to the length, depth, and extreme breadth; and ships that do not carry the breadth low down, but are built sharp like a wedge, are not burthensome for cargo.

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5552. When an engagement is made by a ship-owner for the freight, does that engagement rest on the registered tonnage, or the actual tonnage of the vessel?—Sometimes one, sometimes the other. I understand that the East-India Company in engaging ships pay a certain rate of freight for the registered tonnage, and a less rate for any surplus the ship can take beyond the registered tonnage. In my own experience, we have generally engaged tonnage for the quantity the ship can take on board, so as not to overload her, but to leave her seaworthy.

5553. Are you extensively acquainted with shipping?—Yes; I have been concerned in East-India shipping for many years, and am so still.

5554. Can you state whether much improvement has taken place in the ship-building of this country as to enabling a British ship to compete with an American ship, or more easily carry a large cargo?—I have no means of answering that question.

5555. Has there been a great improvement in the mode of building the merchant ships of this country, with respect to their sailing?—I am not aware that there has been any material improvement for some years back.

5556. You do not build ships?—No; not in this country. My connexion with shipping is mostly with shipping built in India, and trading between India and China.

5557. Supposing a free trade were open, do you think that a new class of ships would be constructed in this country applicable to that trade?—Yes; I think it very likely that ships of from 600 or 700 tons would be built for that purpose.

5558. What charges in this country does the mode of registering tonnage affect?—I cannot answer that question, having no concern with the shipping of this country.

5559. Are the ships you are acquainted with in the East measured in the same way as in England?—Yes, exactly the same.

5560. Then does it not follow, taking the measurement from the length and breadth and depth of the midships, giving greater width fore and aft, that it must be more advantageous in point of measurement?—Yes; it would be a more burthensome ship, and stow more cargo; but then it would tend to impede her sailing.

5561. Are not the Chinese goods, imported into America by the Americans in return for the British manufactures they export, exclusively intended for the markets either of the United States or the continent of Europe?—I believe entirely;

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I am not aware of any attempt to export goods direct to England from China by American ships.

5562. Would not the effect of that be, that the exports of British manufactures by Americans would be limited rather by a chance of profitable sale of the return cargo than by a demand in China itself for the British goods?—Yes, no doubt of it.

5563. But if the American could import into this great market of England China produce, he would then be enabled to speculate more advantageously in the export of British manufactures?—Yes; if he were permitted to export them on the same terms as he could do under the British flag.

5564. So that, although the American exports of British manufactures may not have been on the increase, it does not at all follow from that that there would be no increase of British manufactures exported to China for that market, if the English market was open to a return cargo of Chinese produce?—Certainly, it does not follow that there would not be an increase of export under the British flag if the trade were perfectly unrestricted; and I apprehend the point could not be ascertained, as regards the Americans, unless they were permitted to import on the same terms.

5565. If the market for the produce and manufactures of China, as exported thence by the Americans, were generally extended, their exports to China might be extended for the purpose of meeting that extension of the market for Chinese produce and manufactures; but does it follow that the export of any particular article of manufacture or of produce from China by Americans would be extended, because their whole trade is extended?—I apprehend that would follow as a matter of course. I apprehend that, on general principles, if there was an increased demand for China produce all over the world, and that that China produce could be purchased in China by British manufactures, exported from this country under the American or any other flag, the increased demand would naturally lead to increased exports from this country.

5566. Would not an increased export take place clearly in that description of manufacture which could be exported with the greatest profit; and would the export of British manufactures be increased unless they could be exported to greater profit than other articles of produce or manufacture sent to the Chinese market?—The export would naturally be greatest in that article which afforded the greatest profit; but I think the export trade would increase generally under the circumstances stated.

5567. While there is no reason, from the general extension of that trade, to argue that the export of any one particular

article of manufacture would be increased, neither is there any reason to infer that the export of that article would be increased; the general amount of the exports would be increased, but you cannot say that any one particular article would be increased?—I should say that the export trade certainly would increase; and that the export of particular articles would depend entirely on the demand for them in China. 15 June 1830. J. Stewart, Esq

5568. If the general exports were to increase, and the export of any specified articles were to remain the same, the remainder of the export must consist of new articles, not previously imported?—Yes.

5569. If the general commerce increased, would not the presumption be in favour of every article of which it is composed?—Certainly.

5570. Have the goodness to refer to the Account, No. 25, page 40, and look at the years 1821-22 and 1824-25; does it not appear by this return that the sale value of the merchandize imported into China by the Americans in 1821-22 amounted to 3,074,741 dollars, and in the year 1824-5 to 2,437,545; that there had been a very considerable increase in the total value of exports to China by the Americans, comparing the last of those years with the first, and therefore a great extension of general trade; but that it had not been found advantageous to make that extension of the trade by an increased export of manufactures, but the contrary, for that there had been a diminution to the amount of more than 600,000 dollars on the export of manufactures, while there had been an increase of nearly 700,000 dollars in the total amount of the export trade?—I should say, if I understand the question rightly, that this return does not enable me to judge whether there has been an increased or a diminished export of manufactures. There appears to have been a diminished export in value of goods, but whether the quantity has increased or diminished does not appear from this return. I confess I do not very clearly understand this return in the way in which it is framed.

5571. Would it not however appear from the return, that, notwithstanding the considerable increase of the trade which took place in the latter of those years to which reference has been made, and in the value of the produce and manufactures of China exported in that year, the Chinese have devoted to the purchase of manufactures a much smaller sum in the latter year than they did in the former?—If the first column in the return refers merely to the value at which the goods have sold at Canton, certainly the Chinese have paid less for the imports by Americans for that year than they did in the year 1821-22.

5572. Though a larger proportion of American capital was devoted to the exporting from China Chinese productions and manufactures, was not a smaller portion of Chinese capital devoted to the purchase of that part of the American import into

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5573. Do you consider that any table of actual value is to be taken as an accurate criterion of the amount of demand and supply of the commerce carried on?—No, certainly not; I think it is quite impossible to draw any correct conclusion as to the fluctuations in commerce from such an account as this, which only relates to value.

5574. Have the goodness to refer to No. 37, page 98, of the accounts now shewn to you, under the head of woollen manufactures; if it should appear that in the year 1814 the declared value of the pieces of woollen manufacture exported was £215,815, and that in the year 1828 the declared value of the same species of articles was £217,454, should you be accurate in inferring that there had been no greater exports in the latter year than in the former, than the difference between the £215,000 and the £217,000?—I should say that would not be a correct conclusion to come to.

5575. The fact being, that in the year 1814 the number of pieces exported, which were valued at £215,000, were 12,569, and the number of pieces which in 1828 were valued at £217,000 were 33,458?—That appears to be the fact.

5576. Does not that prove that the statement of declared value is not a measure of the amount of commercial intercourse?—It does establish that fact clearly.

5577. Do you not estimate the demand for an article by the amount of capital applied to the purchase of it?—No; I should rather estimate the amount of capital required by the demand for the article.

5578. In the event of opening the trade with China to all British subjects, do you think it would be necessary to establish some public authority at Canton, which should have the power of controlling the conduct of all British merchants and subjects trading to that port?—Yes, I should think that essentially necessary to the preservation of the trade; I state that from my own knowledge of the peculiarities of the Chinese, and the necessity of controlling Europeans visiting Canton.

5579. In what manner would you give to that public officer, so established at Canton, an effectual control over the conduct of British subjects; merely by a change in the act of the Legislature, or would you give him some esssential authority?—I conceive the authority now vested by the Act of Parliament in the East-India Company's supercargoes is quite sufficient.

5580. Would you propose that the papers of the ship should be necessarily deposited with that officer immediately on its arrival?—No, it would not be necessary; they are usually carried now to the President of the Select Committee, for his inspection.

5581. What powers have the supercargoes?—They have very extensive powers; they are empowered to remove from Canton

or from any of the islands on the coast of China, any British subject, whenever they think it proper to do so; and they are entitled to call upon the commander of any British ship at Canton for physical force to enable them to carry their determination into effect. They can also interdict the whole British trade at any time, if they think proper. In fact, every British ship going to Canton may be controlled by the Select Committee, and not only the ship and cargo, but the crew; they are obliged to comply with any orders the Select Committee may issue to them.

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5582. Do you think it necessary this power should be continued, or other powers substituted for it?—I think it necessary a power of that nature should be retained.

5583. Do you know what powers the Dutch consuls possess? —I do not.

The witness is directed to withdraw.

Ordered, That this Committee be adjourned to Thursday next, one o'clock.

Die Jovis, 17° *Junii* 1830.

The Lord President in the Chair.

Mr. JOHN SIMPSON is called in, and examined as follows: 17 June 1830.

Mr. J. Simpson.

5584. What is your business?—That of an insurance broker in London.

5585. Have you been long engaged in that business?—Yes, upwards of thirty years.

5586. What is at present the insurance upon a ship of the best description to Canton and back?—The premium now is about six per cent. out and home.

5587. Is that the premium on the best of the Company's ships?—It is.

5588. Do not the Company usually insure themselves?—They never do.

5589. What is this—the insurance on goods of private persons on board?—Yes; and some ships belonging to private individuals are insured at that rate.

5590. What ships belonging to private individuals do you refer to?—There are a great many belonging to private individuals that are taken up by the Company for a certain number of voyages out and home; it is these I allude to.

5591. Is there a difference in the rate of insurance on those vessels, and on the goods carried in the East-India Company's vessels?—No, not any.

5592. There is no difference in the rate of insurance between a ship of 600 and one of 1200 tons?—No; many would prefer the smaller.

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Mr. J. Simpson.

5593. Do the Americans effect insurances on their ships in this country, when they undertake a voyage to Canton?—Very seldom.

5594. Do you know of any instance?—I remember one some years ago, and the premium was complained of, stating they could have done it at less expense in America.

5595. Was it insured at a higher or lower premium than an English one, and at the same time?—About the same rate.

5596. Has there been any great alteration in the rate of insurance since the peace?—Not by the Company's ships.

5597. None at all?—Not any; it has always been the same on the Company's ships, to China particularly.

5598. Is it not supposed that the sea risk is smaller now than it was formerly?—No, I never heard of any such supposition.

5599. Not since the peace?—No; the sea risk is the same always. I am not aware that the seasons have changed.

5600. Are there other vessels better navigated and better found than there used to be, and which make their voyages in a much shorter time than they did?—No; I don't think there are. In the time of war, going with convoy, they were longer; but since the peace it has been usually the same.

5601. Are Liverpool ships insured in Liverpool as they are at London?—That trade is confined to Bombay, Calcutta, and other parts; not to China. The Liverpool insurances are generally done in London, and at a less rate than what the ships of the Company are done at now; same voyage.

5602. Is that the case with ships from any of the other outports?—Yes, it is generally; there is much greater competition in the doing of them than in the trade of the Company's ships. The premium upon private vessels to China and back would be £5 per cent. instead of £6. Were the trade open immediately, it would be less, from its being less risk, as they would not be subject to mischief in the Downs; and less from the competition that would take place, as the outport business is done in London through brokers, between whom there is always great competition. I have seen lately a ship done from here to Calcutta and back at £6 per cent. belonging to a London house, and I have seen a similar ship belonging to Liverpool, from London to Calcutta and back, for £4 at the same time.

5603. The vessels being equally seaworthy?—Yes.

5604. How much of that difference do you attribute to the greater danger of a voyage from London?—They were both from hence; but the private trade has that competition which the Company's trade and ships have not. The premium of out and home at £6 per cent. is an old established premium given in London, and given and taken in both ways.

5605. Why should not the Company's officers, who insure the goods they ship for China, insure them at a lower instead

of a higher rate; they might go to any one, might not they?—I do not know. There are old established connexions, and perhaps credit; and many of those who give £6 per cent. are underwriters themselves, and take six per cent. There is not that competition, nor ever was, that there would be if the trade were opened.

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Mr. J. Simpson.

5606. You think the effect of opening the trade would be, that the insurance at this time of a good ship would be about £4 to Calcutta and back?—Yes; and £5 to Canton and back.

5607. Is it the same to Canton as it is to Calcutta?—There would be about one per cent. difference always.

5608. Where; to Canton more?—Yes.

The witness is directed to withdraw.

CAPTAIN WILLIAM MAXFIELD is called in, and examined as follows:

Capt. W. Maxfield.

5609. WHAT is your profession, Captain Maxfield?—I have been employed in the naval service of the East-India Company in India.

5610. Were you in that service many years?—For almost an uninterrupted period of twenty-five years.

5611. Had you occasion, during that period, to be frequently employed in different situations?—Yes, in various situations.

5612. Had you extensive means of becoming acquainted with the commercial shipping of the Company?—Yes.

5613. What is the number of men, and what is the number of guns, in a China ship of the largest dimensions and of the highest tonnage?—I should imagine, speaking from recollection, the number of men would be about 130, and probably, at the present time, from thirty to forty guns, in the 1200 or 1400 tons ships; from thirty to forty guns and 130 men; I think they generally estimate the men at ten per 100 tons.

5614. How many men would there be to work her?—If the question is meant in action, I should say the whole of the crew would not be more than would be competent to work; being very heavy-rigged vessels, or almost as heavy as a seventy-four, the whole 130 would be employed if there were much manœuvring; but to fight such a ship well with 130 men is quite out of the question.

5615. How many men ought there to be to each gun?—It depends on the size of the gun.

5616. What is the size of the guns?—I take it they mostly carry on their main decks eighteen-pounders; I dare say they do. I have seen some eighteen-pounders on board some of them, twelve and eighteen-pounders, and some of a lighter description of gun; they are not confined to any particular class of gun; the number of guns is settled by the Company. I speak from the belief of the variety of guns I have seen on

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board; I have seen some with the govers gun, and a variety of them; I believe that is optional with the owners; I am not positive.

5617. You cannot say how many men you think would be required to work half her guns?—Why, so to fight the guns and to work the ship at the same time, we must embrace the manœuvering of the vessel, as well as having the guns below. It would depend on how she was to be fought. If she were to be fought as a man-of-war, she requires a considerable number more than her ordinary complement; but if it is to be considered as that sort of defence you expect from a merchant ship with a limited number of hands, the action would be carried on with less spirit and effect than if the guns had more men to fight them.

5618. How should you estimate the efficiency of one of the Company's large China ships as a man-of-war; to what sized man-of-war would she be equal?—That is a difficult question to answer with reference to the actual number of men put on board agreeably to their present establishment. It would be invidious to say what I think of it as to a vessel of war; but it can best be answered by coming at what they have taken, and what they have been taken by.

5619. Will you state any instance of their having been taken?—I recollect the capture of the Kent, and of the Triton, two 800 ton ships. The Kent had troops on board independent of her crew; 100 or 200 troops besides the complement of the ship. The Kent was taken by a French privateer of sixteen or eighteen guns, called the "Confiance," in the bay of Bengal.

5620. How many guns had the Kent?—About thirty or forty guns on board, I suppose.

5621. Had she that number with only 800 tons?—I dare say she might have had thirty, for in war time I imagine the owners put on board more guns than the ordinary establishment now. I imagine she had thirty guns, but probably twenty-six; some 800 tons have twenty-six. I, however, think it is more than probable she had thirty at the time.

5622. You have been speaking of a China ship as having 130 men?—Yes.

5623. Do you know an instance of a China ship being taken? —I cannot call to my recollection any taken by a vessel of that description; I recollect the "Brunswick" being taken, but she was taken by a French eighty-four and two frigates; but that does not bear on the question. I cannot call to my recollection; it does not immediately occur to me.

5624. In what manner do the Company take up their ships for the China trade?—I believe they take up their ships generally by public tender, by advertisement.

5625. For what period of time?—I believe the China ships are by the letter of an Act of Parliament taken up for six voyages, except in some cases of emergency, in which the Act

permits the Company to engage them for one; but the generality of the China ships are engaged for six voyages certain. 17 June 1830.

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5626. The Act permits the Company to take up ships that have gone six voyages for a shorter period afterwards?—Yes.

5627. The Act does not oblige the Company to take ships of a particular tonnage?—I cannot speak precisely to that particular Act, whether it limits them or not; but the general Act with respect to the commerce of India limited the size of free-traders to a certain tonnage; but I am not aware whether the Act of the 58th of George the Third specifically adverts to the size. I suppose the Company are left to engage them as suits their convenience.

5628. Can you compare the trade to China for a ship of 600 tons and a ship of 1200 tons; what would be the difference?—I do not know what would be the difference; I cannot state what would be the difference; but there are so few ships of 1200 tons applicable to any trade in England, except the trade with China. There is no other trade England possesses that requires ships of that class. The ships being few, the competition must be comparatively trifling. It is not easy to come at the fact of the relative expense or rate at which such ships could sail; but I should conceive, that if I were permitted to trade to China, or any where else, and I had two ships, one of 1200 tons and the other of 600 tons, I should sail the 1200 ton ship for less than double the expense for which I could sail the other. It would not cost me more. But I should feel very reluctant in expending that large amount of capital in one block; it might not even be judicious to do it, thought it might at first appear to be economy. That is quite a matter of opinion.

5629. You have never been in China yourself?—I have never been at China. I have been in the China seas cruizing.

5630. Then any information you could give would be from hearsay?—As to China itself.

5631. Has a ship of 1200 tons any advantage over a ship of 600 tons, in navigating the China seas?—No. I am aware that large ships have some advantage in the port duties at China, from that mode of levying the duty by measurement; but I know of no other advantage that she would have.

5632. None in navigation?—No, not in point of navigation. I think she would have less advantage; she would be more likely to meet with accident than a smaller one, and she is less convenient for taking in cargo.

5633. Do you consider the East-India Company's mode of chartering ships as economical?—No.

5634. In what respect?—In illustrating why I conceive it not to be economical, it will be necessary to go into a little more than the chartering;—it is the application of the trade after getting possession of it, as well as the mode of taking the ships

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up. I beg to state why I consider it not economical. If the Company confine their trade with China to a class of ships with which there is no competition in a British market, it is quite clear these ships are built expressly for their trade, and being inapplicable to any other, it reduces the competitors in the market in their employment, and consequently augments the expense. But to say that they don't conduct their trade economically, I might go to the mode of loading their ships. Those large ships are taken up at the high rate of freight at which the Company have been hiring them during the war, say at fourty-four pounds and fifty-five pounds per ton, which for many years were sent from India to China; not above one-half were laden on the Company's account; from Bombay to China not unfrequently above two-fifths laden on the Company's account; the remaining three-fifths became the emolument of the commander, who received on board cotton from Bombay, and carried it into the China market, and met the East-India Company in their own market. I can't consider that an economical way of employing a ship, taking it at such a rate of freight.

5635. If a different mode of contracting for ships were pursued, you conceive there would be a saving in the commercial expenditure of the Company?—Undoubtedly; inasmuch as tonnage, I conceive, might be had at about ten pounds per ton to and from China. If the ships of the country, generally called A. at Lloyd's, were engaged instead of these large expensive ships, I conceive a saving might be made of between £500,000 and £700,000 a voyage on the whole of the ships engaged at one period in the East-India Company's service, imagining that they all made one voyage. I take the whole of the ships at one period in the employment of the Company, but they don't all make one voyage in the year; some of them are out, and some of them are at home, and some on their passage, some fitting out; I am taking the whole of the ships engaged. It is with reference to a statement I laid before the Court of Proprietors, describing the rate at which their ships were taken out; my observation applies to what is founded on that data. If they all made one voyage, such a sum would be saved. It would be a very considerable saving, for the larger ships are taken up as high as twenty-six pounds per ton; if a ship could be had at ten pounds per ton, the saving would be enormous.

5636. Do you conceive there is any disadvantage, in a commercial point of view, in fitting up the East-India Company's ships in the expensive way they are, partly for commercial purposes and partly for warlike purposes?—No; I can't consider the advantage to be derived from the mode of equipping them commensurate with the increased expence attending it.

5637. Can you state an instance of a China ship being lost at sea?—I remember a ship called the "True Briton," that was

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never heard of, on her voyage from Bombay to China. But it may be as well to state that a ship that leaves China, as the Company's ships do, laden with tea—the finest and the lightest cargo in the world—must be a wretchedly bad ship if she can't make a voyage to Europe at the season of the year the most favourable of all others. There is an instance of one, the "Ganges," which was lost on the return voyage; that was a 1,200 ton ship. A tea cargo is perhaps better adapted for rendering a ship safe than any other that can be put on board a ship.

5638. Are not articles exported to China less bulky than those imported from China?—I believe the East-India Company export very little to China, and what they do I don't suppose occupies one-third of the tonnage of the ship altogether. The freight is of great value, whether occupied or not; but they export articles of great value.

5639. Is not that the reason why they do not occupy so much room, that the articles are small in bulk and great in value?—Yes; that is a reason why they should furnish tonnage sufficient to bring home tea; but I have adverted to the lading of ships only partially from Bombay to China. It was the more remarkable, as the Company at the period I allude to, when these ships were but half laden from Bombay to China, received cotton as revenue from Guzzerat, which they might and ought to have sent to China in their own ships, to pay for the tea.

5640. Do you know what was the price of cotton at that time in India?—No; but cotton has always been an article of demand at China, and what in general realizes a profit. I think I might safely add, always from Bombay; but in general, certainly.

5641. The Americans trading in dollars principally to China, must, in an outward voyage, have almost the whole of the tonnage unoccupied?—Those ships which go direct to China; but the American ships, though they carry dollars, they occupy no room, and the ship makes a circuitous voyage by which she is navigated nearly two-thirds of the globe, carrying cargoes from port to port before she reaches China. I don't mention it as a general rule, but the American generally leaves his own country provided with dollars, and trades from port to port. I have found them in ports in India where an English merchant ship is hardly ever heard of.

5642. That was in former times, was it not?—It was before the free trade was open.

5643. Since the system of free trade, their trade has fallen off very much with India?—Yes; I conceive the free trade has been the ruin of the American trade altogether.

5644. They had ceased almost entirely to trade from port to port in India?—As far as my observation goes, it has been so much reduced that it could not fail to appear evidently; and I

17 June 1830. have little doubt that if the trade were open to China, it would ruin the American trade completely.

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5645. State your reasons for entertaining that opinion?—The advantage of the American over the English trader is, that he can proceed unfettered to different ports. I believe the Americans, during the time I was in the Eastern Archipelago, were carrying away a good deal of the Dutch commerce. It struck me, that if the English free trader were permitted to make voyages from port to port in those seas, they would derive those advantages which were of course preserved to the Americans. My opinion is grounded on the competition that would be effected by the free-trader being let loose against the Americans, which would of course prove injurious to their commerce.

5646. Do you think the apprehension of losing these advantages, which they had almost singly possessed before, has induced the Americans to relinquish any part of the trade in which they were before engaged?—The trade from port to port. There are several reasons, but they must be quite matter of opinion. I have communicated with a great many Americans, from a desire to obtain information. While cruising in India myself, I contemplated writing a work on the subject of the East-India Company's general establishments in India; and in communicating with many Americans, I frequently took the opportunity of observing to them, that I perceived there was much fewer of their shipping in those seas than I had seen before. I was given to understand the cause of it was, the trade was less profitable from the competition induced by the English free trade. I should imagine it was not unlikely that much of the capital was English capital, which was employed, probably, in foreign bottoms. Until the trade was open with India, that might have deprived them of the means to a great extent. I believe, if reference be had to the failures that took place in America immediately after opening the free trade, it would be discovered something or other operated most violently indeed on American commerce. I think, soon after the free-trade was opened, failures took place in America to an extraordinary extent.

5647. You laid before the Committee of the House of Commons a statement of the ships chartered by the East-India Company in the year 1826: have you got that statement?—Yes, I have a copy. If it is not precisely a copy, it is a calculation founded so nearly upon it, as to be substantially the same. The first, as it appears, is a copy of the names of ships and the rates at which they are engaged; and here is a statement also of the probable saving by engaging the tonnage at the rate at which it might be had if a smaller class of ships were engaged.

[*The following papers are delivered in by the witness, and are read:*]

17 June 1830.

Capt. W. Maxfield.

A STATEMENT, exhibiting the NAMES, NUMBER, and TONNAGE of all Ships now chartered by the EAST-INDIA COMPANY, of every Description; the Rates of Tonnage, and Number of Voyages for which they are engaged; and also the Names of the Owners of such Ships, and the Time or Date when they were engaged.

SHIPS' NAMES.	Tonnage.	Rates of Tonnage. £. s. d.	Number of Voyages.	OWNERS.	Time or Date when engaged.
Herefordshire	1,200	21 18 9	6	John Locke	1811, Jan. 11.
Vansittart	1,200	20 18 9	6	Joseph Hare	July 10.
General Kyd	1,200	23 6 9	6	James Walker	—
Minerva	976	22 2 10	6	George Palmer	1812, Sept. 2.
Thomas Coutts	1,334 A.	26 0 0	6	Stewart Marjoribanks	1816, March 29.
Duke of York	1,327 A.	26 10 0	6	Stewart Marjoribanks	—
Orwell	1,335 A.	26 19 6	6	Matthew Isacke	—
Dunira	1,325 A.	26 9 0	6	George Palmer	June 5.
Windsor	1,332 A.	26 5 0	6	George Clay	Dec. 24.
Kellie Castle	1,332 A.	26 4 0	6	Stewart Erskine	1817, March 18.
Royal George	1,333 A.	25 13 0	6	John Fam Timins	1818, Oct. 14.
Repulse	1,334 A.	25 14 0	6	John Fam Timins	—
Farquharson	1,325 A.	25 15 0	6	John Christopher Lochner	—
Thames	1,330 A.	25 17 0	6	Henry Blanshard	—
Macqueen	1,333 A.	25 7 0	6	John Campbell	1819, Sept. 15.
William Fairlie	1,348 A.	25 7 0	6	Joseph Hare	—
Sir David Scott	1,342 A.	25 7 6	6	Joseph Hare	—
Berwickshire	1,332 A.	25 9 0	6	Stewart Marjoribanks	—

(continued.)

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No. 1. (*Continued.*)—A Statement exhibiting the Names, Number, and Tonnage of Ships, &c.

SHIPS' NAMES.	Tonnage.	Rates of Tonnage. £. s. d.	Number of Voyages.	OWNERS.	Time or Date when engaged.
Hythe	1,333 A.	25 9 0	6	Stewart Marjoribanks	1819, Sept. 15.
Duchess of Athol	1,330 A.	25 10 6	6	W. E. Ferrers	—
Bombay	1,242 A.	20 19 0	3	Henry Templer	1822, Nov. 13.
Charles Grant	1,246 A.	20 12 0	3	William Moffat	Nov. 12.
Lowther Castle	1,427 A.	20 12 6	3	John Crosthwait	Nov. 13.
Abercrombie Robinson	1,331 A.	21 0 0	6	Henry Bonham	1823, July 2.
Edinburgh	1,326 A.	21 0 0	6	Henry Bonham	—
Lord Lowther	1,332 A.	21 7 0	6	Henry Blanshard	—
Rose	955 A.	19 19 0	3	Thomas Milroy	—
Prince Regent	953 A.	19 17 6	3	Henry Bonham	—
Asia	958 A.	19 17 6	3	Henry Bonham	—
Marchioness of Ely	952 A.	19 19 0	3	Octavius Wigram	—
Marquis of Huntly	1,279 A.	18 18 0	3	John M'Taggart	Sept. 3.
Inglis	1,298 A.	18 5 0	3	Rich. Borradaile	1824, Aug. 13
Atlas	1,267 A.	18 5 0	3	Charles Otway Mayne	—
Bridgewater	1,276 A.	18 4 0	3	James Sims	—
Warren Hastings	1,276 A.	15 7 0	1	William Sims	—
Princess Charlotte of Wales	978 A.	19 2 0	3	Charles B. Gribble	Sept. 8.
Marquis of Wellington	961 A.	19 4 0	3	Henry Bonham	—

(*continued.*)

No. 1. (*Continued.*)—A Statement exhibiting the Names, Number, and Tonnage of Ships, &c.

SHIPS' NAMES.	Tonnage.	Rates of Tonnage. £. s. d.	Number of Voyages.	OWNERS.	Time or Date when engaged.
Warren Hastings	1,000 A.	18 5 0	.. 2 ..	John L. Minet	1824, Sept. 8.
Coldstream	733	12 5 0	.. 1 ..	John Dawson	1825, March 30.
Guildford	533	12 19 0	.. 1 ..	James Mangles	—
Albion	479	12 19 0	.. 1 ..	Charles Weller	—
Childe Harold	463	12 19 6	.. 1 ..	Robert Granger	—
Bussorah Merchant	510	4 10 0	.. .. ..	Charles Stewart	—
Malcolm	605	5 19 0	.. .. ..	R. W. Eyles	—
Lord Hungerford	708	7 0 0	These ships were engaged outwards for the voyage to Bengal,	J. L. Heathorn	—
Berwick	453	7 0 0		James Greig	—
Commodore Hayes	678	7 18 0		George F. Young	—
Broxbornebury	720	5 3 0	.. .. ..	Alfred Chapman	—
Java	1,175	6 2 6	.. .. ..	Joseph Hare	—
Cambridge	802	4 10 0	These ships were engaged for the voyage outwards to Bombay,	George Palmer	—
Lady Kennaway	547	5 0 0		George Joad	—
James Sibbald	666	6 9 0		Henry Blanshard	—
Maitland	634	6 17 6		Fraser, Living and Co.	—
Orient	596	14 7 0	For one voyage to China and Quebec,	S. Marjoribanks and Co.	1825, May 4.
Roxburgh Castle	599	14 9 0		Wigram and Green	—
Countess of Harcourt	517	15 0 0	For one voyage to China and Halifax,	Henry Blanshard	—

(*continued.*)

No. 1. (*Continued.*)—A Statement exhibiting the Names, Number, and Tonnage of Ships, &c.

SHIPS' NAMES.	Tonnage.	Rates of Tonnage. £. s. d.	Number of Voyages.	OWNERS.	Time or Date when engaged.
Java	1,175	10 18 0	To bring cargoes from China, after performing the service for which they were engaged 30th March,	Joseph Hare	1825, May 25.
Broxbornebury	720	11 8 0		Alfred Chapman	—
Marquis Hastings	452	10 19 0	To bring cargoes from China,	George Lyall	—
Henry Porcher	500	10 19 0		S. Marjoribanks and Co.	—
In room of the Kent	1,300 A.	21 0 0	.. 6 ..	S. Marjoribanks and Co.	June 22,
Clyde	451	6 19 6	To carry cargoes to Bengal,	Joseph Hare	July 15.
Eliza	511	6 15 0		William Abercrombie	—
Marquis Camden	1,286 A.	18 18 0	.. 3 ..	Thomas Larkins	Aug. 17.
Lady Melville	1,257 A.	18 19 0	.. 3 ..	Octavius Wigram	—
Castle Huntley	1,311 A.	18 19 6	.. 3 ..	J. H. Gledstanes	—
General Harris	1,280 A.	18 19 0	.. 3 ..	James Sims	Aug. 24.

The ships marked thus (A.) are entitled to an extra freight of £1. 10*s.* per ton, if sent to the Island of Bombay, for to the Continent of India, and from either of those places to China.

East-India House,
January 17, 1826.

In January 1826, by papers laid before the Court of Proprietors, it appeared that the East-India Company had engaged for trade 47 ships; *viz.* 24 for six voyages, some of which were hired as high as £26. 10*s.* 0*d.* per ton: others for three voyages; and only five for one voyage. The average rate of freight for such five was only £13. 6*s.* per ton each.

Now the chartered ships above mentioned, 47 in number, collectively amount to about 55,601 tons, and the rate of freight above stated cost the Company per voyage, exclusive of demurrage...........	£1,187,778
The Company have also seven ships of their own, which collectively amount to 8,897 tons, and which, by reference to the papers and accounts submitted to the Court of Proprietors in 1826, average, taking them altogether, for the voyages they have performed, an expense per voyage on the seven, of or about £27. 8*s.* 8*d.* per ton	244,074
Making together the sum of	£1,431,852
The amount charged for 64,498 tons of shipping for one voyage.	
It is therefore evident that if the Company, instead of engaging ships as above, for six and three voyages, had hired ships for one voyage only, at £13. 6*s.* per ton, the amount of freight on 64,498 tons of shipping would have only amounted to	857,823
And a saving per voyage effected of	£574,029

There can be no doubt, however, that freight to almost any amount might be had to and from China at the rate of £10. 10*s.* per ton; and it is evident, if freight were engaged at such rate, a saving of no less than £754,623 per voyage might be effected in 64,498 tons of shipping.

Of the 24 ships taken up at the highest rate and engaged for six voyages, several are in the hands of one managing owner, some of whom have no less than five, consequently little comparative competition can be effected: while the ships engaged for one voyage at the lowest rate are generally the property and in the management of numerous individuals—hence the greater competition, and the more reasonable rate of freight at which they are obtained.

5648. When you say something operated, at the time of the free trade being opened, to occasion bankruptcies, do you speak of English capital embarked in the American trade, and which was withdrawn in consequence of the free trade being opened?—Not expressly that, though I think that is fair; it is a matter of conjecture. I can only attribute it to what operated in the same manner on the free-trader too. When it was first thrown open, I believe the competition was so great, that it led to serious distress among themselves; but it was not a little aug-

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mented by the mode in which the Company conducted the trade at that moment. I think if reference be had to the Company's trade at that time, when it was thrown open first, it will be seen they exported commodities they never sent to India before; that they were making their best efforts to intercept the free-trader, which were not a little augmented, in the manner I have suggested, by competition with each other, the free-traders, the Americans, and altogether. The Company sent out even claret, an article little adapted to the speculation of a body like the East-India Company.

5649. Had it been sent out before?—By officers and individuals; but there is a difference between carrying a perishable commodity in a man's own possession and a Company.

5650. Refer to page twenty-eight of those papers printed in 1829, and look at the account, No. 15, of the quantity of American trade cleared out from the different parts of British India from 1816 to 1826 and 1827, and state whether it does not appear that the American tonnage having amounted to 7,008 tons in 1815-16, amounted to 15,145 in 1816-17; to 18,083 in 1817-18; and to 23,944 in 1818-19. The effect which you say was produced on the American trade to India, by opening the trade, did not take place until five years after that trade had been opened?—I do not see those sums alluded to in this. I have spoken without reference to dates. It is possible my observation might have referred to the subsequent period, in which there is that great reduction. It is not probable that commerce would change its course in the course of a year or two; it is the natural consequence; it will take a little time before they will fall off. Bankruptcies would ensue, and it must find different channels to get into. The effect would not be simultaneous, certainly.

5651. It appears from this account, however, that the competition in the India trade did not effect the reduction of the American trade until the year 1828, but gradually increased in the first four years in the account?—It is possible the American trade might have increased at those periods, owing to our increased territorial possessions in India, which, of course, furnished more markets for American produce as well as English. While a great spur was given to commerce by the arrival of the free-trader, perhaps it operated, in many points which are difficult to explain, but which are easy to imagine.

5652. Did not the peace between this country and the United States take place in 1815?—I believe it did, about that period.

5653. If, in the year 1815, a commercial treaty was signed with the United States, which secured to them certain privileges in the Indian trade, would not that naturally have led them, for the first few years after the signature of this commer-

cial treaty, to go extensively into that trade so secured to them? —Undoubtedly. 17 June 1830.

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5654. May not, therefore, the increase of the years 1816, 1817, 1818, and 1819, be ascribed to that circumstance?—I should think it might, in a very great degree. I was not aware of the alteration in the treaty.

5655. From what materials have you drawn up this statement you have given in, of the names and numbers of ships chartered in the year 1826?—The paper exhibiting the names, number, and tonnage of the ships chartered in 1826, was a document furnished to me, as a proprietor of the East-India stock, by the East-India Company at the India-House.

5656. That is official?—It is.

5657. What is the average voyage of one of the East-India Company's ships from London to China and back, supposing a direct voyage?—It is a difficult question to answer well. A free-trader, I conceive, might make the voyage out and home in twelve months, and an East-India ship ought to be able to do every thing which a free-trader can; but as they send them circuitously, and often let them lay here at different parts of England, I have no hesitation in saying, that if I turned trader, and understood it, I would find the means of carrying out a cargo, if I were permitted, to China, if the Company carried on their trade in the mode they do now, before they get to Bombay, I would be at China, from the delay in their mode of transacting business. I can best illustrate it by saying that a captain of an East-Indiaman told me he gave up commanding one of their ships, because he could trade more conveniently by the free-trader, and pay for freight; "for," said he, "before I get my investment out, I am anticipated at Sincapore by the free-trader; they have supplied the market; and in the Company's ship I lose my chance, from the delay occasioned by going to this place and the other."

5658. Does that apply to the Company's ships bound direct from hence to China?—The direct ships that go from hence to China touch either at St. Helena or Madras; I don't believe any go direct from England without touching at some port; I imagine they touch somewhere.

5659. You don't know what length of time it does take to effect a voyage in one of the Company's ships from England to China and back, without touching?—No, I can't precisely answer the question.

5660. Do you consider the delays you allude to are inherent in the system in which the Company carry on trade to China, or are they delays that must be obviated by the Company itself? —They determine that their ships shall be at such an anchorage at such a time, and proceed very mechanically to work with

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them. They are to be in the Downs at such a period, and to sail by those periods; but the consequence must be apparent, when I advert to what happened during the Burmese war. To the best of my recollection, stores were required to be taken to India, and were about to be sent out by some of the ships then sailing. It occurred to me that those stores required the utmost expedition possible. The recollection occurred, how insufficient those ships were for such purpose, sailing at stated periods, while there were plenty of free-traders ready to sail, who could take them on board at an hour's notice; and if military stores were imperiously wanted, I put it to any one whether it would not have been not only more economical, but more advantageous, to have sent them at once than by this tardy process.

5661. Does part of the delay arise from the size of the ships they engage?—A great part of the delay in lading a ship in a river must depend on the size; that is, in Calcutta a large ship would only advance as far as Saugor, while a ship of small size would proceed to discharge her cargo at Calcutta, and take in a fresh one. It is evident the communication by boats must create considerable delay.

5662. Do you conceive that if the private trader were permitted to trade to the port of Canton, he would find it his interest to proceed directly to Canton, without touching at any place, as the Company's ships do?—It would not be to the interest of an individual to make the voyage direct. A man who sets out in a speculative voyage, would do as the Americans do, go from this port to the other, until he can get a cargo to suit, and perhaps they change cargo two or three times; that would perhaps be the most beneficial voyage to him as a merchant, but it would also be a desirable voyage, as far as the state is concerned, in exciting enterprize and making good sailors.

5663. Did you ever know any Indiaman armed with as heavy guns as you have spoken of, eighteen pounders?—I have seen some with twelve and eighteen-pounders, a few eighteen.

5664. You have stated one Indiaman was taken by a privateer having eighteen guns?—Sixteen or eighteen.

5665. Do you think an Indiaman manned and armed as they are could make an effectual defence against any man-of-war of the smallest size?—If it blew hard, an Indiaman of 1300 tons might run a small man-of-war down.

5666. But if there were a fair fight between the two?—It is a difficult question to answer with accuracy. I imagine a ship or privateer of twenty guns would seek to engage one Indiaman.

5667. And when well managed and when well fought, ought to take her?—I think she would take her.

5668. In time of war do the Company's ships sail with convoy or not?—With convoy wherever convoy can be had.

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5669. If an adequate convoy were supplied to them, this expensive armament would not be necessary?—Undoubtedly not.

5670. Do they ever venture to run alone in time of war?—Yes, frequently; but, perhaps, to meet the question in the broadest shape, it would be worth while to refer to what would be the insurance at Lloyd's on ships sailing; I am not aware what it would be, but the Committee would see the comparative profit or loss in a commercial point of view, by what the underwriters would insure a Company's ship, or any other, in time of war. I don't imagine it would make a great difference.

5671. Do they sail better than ordinary merchantmen?—Why most of the Company's large ships are certainly good sailers, very fine ships, and they ought to be very fine ships, for they are very expensive ones; but there may be found among merchants many good sailing ships, and some bad ones. I have seen some of the Indiamen sail as bad and as well.

5672. Is the building of a Chinaman like the building of a man-of-war, or principally adapted for carrying a cargo?—By no means. In the building of a man-of-war, she is expressly adapted for guns and war; they have guns and port-holes also, but her bottom is widely different in the shape as well as the general construction. The Indiaman is not particularly well adapted for war; they are all able to have guns aboard, but they are not adapted for fast sailing.

5673. She would not be able to run away from a man-of-war?—Unless the man of-war was a bad sailer; a man-of-war ought to catch her upon a wind, or free, or any way.

5674. Is there any disadvantage in having those large ships so occupied in time of peace?—I can't conceive any.

5675. If it is advisable to have that class of ships in time of war, are they retained for use in time of peace merely because they have been employed before? - I conclude that is the principal cause; and also, if you refer to their being taken up six voyages, you can't get rid of them till they have run six voyagesout; and next, it would appear hard to induce a man to build a ship inapplicable to other commerce, unless you continue to employ her till she is worn out. Generally there is a desire to build such a ship of that class, knowing they are paid a high degree of freight for them, the owners secure, under certain circumstances, permission to build again on the keel; or, if the ship is lost, there is a clause in the Act enabling them to build another to run the remainder of the period.

5676. So the practice of having vessels of that size and of that construction in time of war, necessarily involves a corresponding expense in time of peace, that otherwise would be useless?—Clearly so.

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5677. That is only until the expiration of the existing contract; at the end of six years all the ships must have run out?—No, not at the end of six years—six voyages.

5678. Have the Company made no new contracts with ships of that large tonnage in time of peace?—Yes, constantly, and they are doing it to this hour, I suppose.

5679. With what view?—Mostly, probably, to the continuance of their commerce.

5680. As these large ships are useless in time of peace, and as it appears by your evidence smaller ships would be more convenient, to what do you attribute the East-India Company having persevered in the time of peace, when they are not compelled to do so, contracting for the construction of these very large ships?—I can't understand, unless it is a predilection they have for large ships, with the particulars of which I am unacquainted. They have a common partiality for that class of ships; and they have in effect shewn, not only partiality for it, but conferred advantages on owners and officers of those ships, which are inconceiveable. I shall illustrate that by saying, that the East-India Company, by their regulations, give the owners of these ships the power of conferring military rank on the commanders, and they give the commanders of these regular ships a precedence with captains of marines, by which they give them a rank equal with that of lieutenant-colonels in the army. If the owner of a ship is building a ship for the Company, and letting it, he has the means of conferring military rank on the person commanding, whatever his age or standing is, if he is eligible to command, which he is after having served so many voyages.

5681. Military rank in India?—Yes; perhaps I may explain that last piece of evidence; I mean precedence. I don't know whether I ought to apply "rank" to it; I mean precedence.

5682. What sized ships, on the whole, do you think it would be most advantageous to carry on the commerce with?—I think 500 or 600 tons would be sufficient to carry on the commerce with the whole globe.

5683. Is that the size used generally by the free-traders?—Yes. As a reason for stating a ship of 500 or 600 tons is sufficiently large, and best adapted to carry on trade with any part of the world, I should mention she is a block of infinitely less value than a larger one; consequently, a man of small capital can fit out such a ship, while the possession of the large ship would be confined to fewer. At the same time, it would be easier to load a small ship at all times than a large one. A cargo might be had for a small vessel when a full quantity could not for a large ship.

5684. You think there is no particular reason attached to the

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trade in tea at China, which renders it more desirable to have ships of a larger size?—I am not aware of any, except the advantage derived from the port dues at Canton; if it were a very considerable advantage, the Americans would have followed the example, and have taken larger ones.

5685. There is no greater danger of breakage of chests of tea in a small vessel than a large one?—I imagine not, if the ship is good, and properly taken care of.

5686. Do you know the average size of vessels that trade to Canton?—I only speak from fact; I have not been at Canton. I suppose an American ship is generally of a smaller class—from 400 to 600 or 700 tons. It is a large ship for an American, 600 or 700 tons.

5687. How do the Americans conduct their voyage with the ports between America and China that they visit?—That would be a difficult thing to say; they are in the habit of making the most circuitous voyages of any traders in the world occasionally.

5688. Do you not conceive that the system which is now pursued by the East-India Company, both in their mode of building and the fitting out of their ships, as forming a valuable part of their power and patronage?—Undoubtedly.

5689. How is that, if they take ships by tender only?—The ships built for the East-India Company themselves, called the Company's own ships, constitute employment for a certain number of captains and officers, the employments for whom are in the gift of the Court of Directors; and that becomes direct and positive patronage.

5690. How many of these ships are there?—Seven, I think; there were seven when that return was made.

5691. As regards the others, which form the greater number, is there any patronage exercised in the hiring of them?—There is one piece of patronage, the value of which I cannot pretend to state, which is the gift of the voyage. The Directors individually have the nomination to certain voyages. I speak from hearsay. The gift of a China voyage is always considered a very good thing. Many years ago it was a very large advantage.

5692. To whom is it a good thing?—To the captain; the gift of the voyage to the captain. The nomination of the voyage to the ship is the patronage I advert do.

5693. There is no patronage to the person who furnishes the ship?—The person who furnishes the ship has the patronage of appointing the commander to the ship, *ab origine;* the voyage afterwards is the patronage of the Court of Directors; that is, the nomination to the voyage. The person is originally appointed by the owner, with the concurrence of the Company; probably the captain is a part-owner of the ship in many cases.

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The patronage I alluded to of the Court was the nomination to the voyages—the destination of the ship.

5694. After it is taken up for a certain number of voyages?—The different number of voyages.

5695. When they do take up ships, don't they state for what purpose they are to be employed?—I apprehend the charter-parties are pretty general, and not to particular voyages. I suppose, by the form of the charter-party, they can employ it in any port they chuse.

5696. When a ship is taken up at a certain rate of freight for six voyages, what is the condition which the person who lets that ship to the Company, takes upon himself; is he obliged, at so much a year, or at so much for the outward and homeward voyage, to furnish that ship?—I believe it is at so much per ton per voyage. This is a fact well known; though I can't speak from more than a general knowledge of the fact, never having had a ship of my own. They take up ships, I believe, at so many pounds per ton per voyage; being entitled to the demurrage under particular circumstances; that is, such as the present detention at China. I suppose the owner is deriving demurrage for the whole period his ship is detained.

5697. The East-India Company having taken up the ships at eighteen guineas a ton, does it entirely rest with the Company whether they shall go to India and then home, or go to China direct, or make a circuitous voyage to China; does the rate of freight remain the same whatever the voyage is?—No; for as the ships are taken up, almost all are numbered. In that list there are stars placed against the ships which are entitled to £1. 10s. more if they are sent to ports in India. At the conclusion of the list it specifies that.

5698. So that it is an advantage to the owner of a ship that it shall be sent to China rather than to India?—I don't know that the owner has any particular advantage in it; I don't know that it is of importance to him where it is sent to.

5699. The advantage is to the captain?—The advantage of the voyage must be to the captain important.

5700. From your knowledge of the Bombay marine, are you of opinion that it is absolutely necessary that the service should be performed by a marine at the disposal of the local governments, or might it not be performed by ships in the King's service?—Undoubtedly his Majesty's ships are equal to perform any duty the British Government can impose on them; whether it would be conducive to the convenience of the government in India that they should be left to perform their duty as they thought proper, or as the government wished, I leave the Committee to determine.

5701. What, in your opinion, are the peculiar advantages in having a marine at the entire disposal of the local governments,

if the Bombay marine is now sufficient?—Government is constantly in want of vessels of war; and unless some are at their disposal, they must be very often reduced to considerable difficulty. I think it will illustrate the fact by shewing that in the year 1813, when a dispute was likely to take place with the Emperor of Ava, the government sent a twenty-gun ship from Calcutta at their disposal, and possibly averted a war which must have resulted had they had no vessel of force to have overawed the Burmese.

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5702. Could not all the service performed by the Bombay marine be performed by the King's ships in India, as similar services are performed in the King's colonies and elsewhere?—Undoubtedly, if they are placed sufficiently under the authority of government, or at the disposal of government; if government possesses sufficient authority to send them where they think needful.

5703. Can you form an estimate of the comparative cost of a King's ship and a Company's ship of the Bombay marine?—No, I have no means of forming a correct estimate; and to take the expense of a Bombay marine from the amount carried to the debit of the marine under the common head of marine charges of India, would be an erroneous mode of estimating the actual expense of particular ships; for I believe, under the head of marine charges are lumped a great many other charges, which might make it appear a very small force was retained at a enormous expense. I individually believe, from my knowledge of the mode of outfit, that they are generally conducted very economically.

5704. More so than the King's ships?—I can't speak to the fact. I have no actual experience of the expense of one of his Majesty's ships; I have no hesitation in saying they are usually comparatively much cheaper than the Company's merchant ships. Of course a ship with a great number of men must be, in point of comparison as to size, more expensive. But looking at one as a man-of-war, and at another as a merchantman, they are infinitely cheaper.

5705. What proportion of the crews consisted of natives of the East at the time you were acquainted with the marine?—It has been in different ships in different numbers. I have commanded a twenty-gun ship belonging to the Company, in which we had not about twenty natives, all the rest were Europeans. Much depends on the exertions of the commander himself, who would endeavour to procure a crew; for the government furnished you with no means, neither furnished you with men, nor were there men provided from this country for manning the marine. It more particularly depends on the exertions of the commander to pick up a crew; they were generally a motley set of Europeans and natives, and such as they could collect.

5706. Were did he find them?—You send to crimps in public

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houses at periods; and when it was inquired if any men were to be had, I gave the crimp an allowance; he is usually called the crimp; he brought you men where he could.

5707. Of what description; did you get the worst description of men out of vessels of all nations?—Not the worst; but, speaking of them as a crew of a man-of-war, an inferior crew. Not the worst of all nations; occasionally there are very good men. I have commanded a ship out of Bengal remarkably well manned; but it proceeded from the circumstance of a great many English seamen being to be found in Bengal unemployed. I had little difficulty there, but it was great at Bombay.

5708. Have not the Company sent out seamen from this country?—Not in my recollection seamen; they have sent out marine boys, perhaps lads from the Marine Society. I don't recollect during my time their sending out men.

5709. In any number?—Yes; at one time they sent out a few hundreds of them, but afterwards they desisted; in fact, there was no system adopted for manning the marine, during the whole time I was in it, by either of the governments; at least, it was under the efforts of the commander himself.

5710. Were the native sailors all Malabars?—No.

5711. What was your whole complement of your ship of twenty guns?—The Malabar had about 140 men on board.

5712. What was the extent of the Bombay marine, and what was its force, when you were in command?—At different times, I was in it twenty-five years, sometimes more and sometimes less. Latterly it has been so small as to be insignificant.

5713. In war time?—We had at one period a fifty-gun frigate, another of thirty-two guns, and a twenty-gun ship, and some smaller vessels; but during the last few years of my service they had no frigate at all. It was most insignificant as a naval service, from the inefficiency and neglect that was shown; it was neither provided with a code of laws, nor with men.

5714. That twenty-gun ship was your own?—Belonging to the government; I commanded her.

5715. Had you an opportunity to try your men in action?—Yes; not in that ship; I was in the expedition to Java, but they did not come into action. I have on other occasions been in action; the crews have generally behaved remarkably well; but the composition of the men, speaking of them as men of war, is very inferior.

5716. And you had the means of enforcing discipline, but it was not very good?—Much would depend on your own judicious management. Your are furnished with no legitimate authority There was a system of discipline preserved with much pain and difficulty, and in many cases it answered tolerably well; but it more particularly hinged on the management of the commander himself.

5717. It is a service in which promotion is extremely slow? —Very. 17 June 1830.

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5718. It offers very few inducements for a gentleman to enter it?—Very few indeed.

5719. The Arabs are very efficient seamen, are they not?—They are very muscular, strong, hardy men; but I can't say that they could bear any comparison with an English sailor; they are some of them remarkably muscular and strong, equal with the European; but that is not the composition of the native crews; they are natives of India, Mahomedans.

5720. Which are the best seamen of that country?—The Gogorees, from a small place in the Gulph of Cambay; they are the best native sailors.

5721. Are they good seamen between the coast of Malabar and the Red Sea in Arabia?—They have large ships. Speaking of Arabs, we should say, at all times they were very lubberly; they are brave and hardy, and would fight very well, but without organization; that sort of fighting which would result from bravery without discipline. I should not call them good seamen.

5722. What number of native seamen could you venture to put on board a man-of-war, without diminishing her efficiency as a fighting vessel?—I would not wish to have more than would man a couple of boats; they are less likely to drink, and give you trouble by getting drunk on shore, than the English. I contrived to have a couple of boats' crew; and, having so few, I contrive to get very good men. I should be sorry to command a cruizier with a large proportion of natives on board. If opposed to an European enemy, I would prefer my own countrymen.

5723. Is not the heat so extreme in the Gulph of Persia as to make it necessary to have the natives to perform the ordinary duties on deck?—I can't conceive it imperatively necessary to have the natives to perform the ordinary duties on deck. Our soldiers have their duty to perform in India: it is more irksome to perform the duty of a common soldier on shore than it is for a sailor.

5724. Have you ever turned your attention to any improvements it would be possible to introduce into the Bombay Marine?—Yes; I submitted to the Court of Directors, when I first returned from India, some plan for improving the corps; but I ceased to turn my attention to it. Finding such a variety of difficulties to be got over, which I saw no prospect of surmounting, I gave it up.

5725. Can you state the outline of that plan?—I think I have a copy of some part of the plan, which I can submit; it is not with me at present.

5726. Though you have not been in China you have had an

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opportunity of seeing a good deal of the Chinese in the Eastern Islands?—Yes; and I have met with them there when I was at the Eastern Archipelago.

5727. Do you find them generally superior to the inhabitants of the East, in habits of commercial enterprize and activity?—Taking them as artificers, they are undoubtedly very superior, and their merchants are not inferior in ability; there will be found, among many of the natives of India, men gifted both as merchants, and in every way quite to be compared with the merchants of every other country. The Chinese are distinguished as merchants as well as artificers.

5728. Were you ever in the Red Sea?—Yes, three times.

5729. Would there be any difficulty in navigating steam-boats?—Not any.

5730. Do you find a difficulty in navigating it in a sailing vessel?—No, not any.

5731. All the dangers were laid down, and above water?—The principal difficulty that occurred was, the want of accurate charts, which is now compensated in some measure. I was in the Red Sea on a survey myself; many ships were lost in the expedition, but it was owing to the sea abounding with shoals, and having no good chart to guide them.

5732. They are very well laid down at present?—I can't say the Red Sea is as far as my knowledge went, for we were on a survey for a short time, unless some accurate survey has taken place since; it abounds with shoals; but the direct navigation for ships is clear and extensive enough; so that a ship with a good chronometer has plenty of room. Indeed a man must be an inferior navigator who could not contrive to get up and down under ordinary circumstances safely.

5733. The gales are not very severe in other parts of the Red Sea?—They blow hard for a short time, but they seldom last long; they blow hard for a short period.

5734. What prevented you completing your survey?—I accompanied Lord Valentia in 1813, and commanded a small vessel. He was in a larger one. The vessel I commanded was found to be excessively rotten—not seaworthy. It was condemned at Mocha, and I returned to Bombay; he went on, and landed at Suez. It was a cursory survey. The Court of Directors appointed me to survey the Red Sea; but Government never had their orders carried into execution.

5735. They were sent to Bombay?—They were sent, through the government at Bengal, to Bombay, but never were acted upon.

The witness is directed to withdraw.

Ordered, That this Committee be adjourned till to-morrow, one o'clock.

Die Veneris, 18° *Junii* 1830.

The LORD PRESIDENT in the Chair.

HOLLINGWORTH MAGNIAC, Esq. is called in and examined as follows:

5736. You were an agent at Canton, were you not?—I was. 18 June 1830.

5737. For how many years?—I first went out in 1809; I returned home finally in January 1827; I was at home at two intervals during that period; I was not resident there the whole of the time. *H. Magniac, Esq.*

5738. Did you transact business on your own account, as well as for your constituents?—Occasionally.

5739. To any extent?—To a considerable extent in opium, and also in goods to England latterly.

5740. Who were your principal employers; persons engaged in the country trade entirely?—Almost entirely.

5741. Have you at any time done any business for persons residing in England?—Very trifling.

5742. Of what articles did their exports consist?—Formerly there was a little business going on in Prussian blue, and a few manufactures of that kind from England; but of late years that has been entirely done away by the Chinese having acquired the art of making it themselves; it was to a small extent.

5743. Were you at any time engaged in selling woollens or cottons for English merchants?—Never woollens, that I recollect; and very little cottons during my time; but since I have been away, I believe the house has had considerable consignments in cottons and cotton yarns, but to what extent I am unable to say.

5744. During the whole of that period it would have been possible, would it not, to have sent the manufactures of England to Sincapore, and thence tranship them to China?—I conceive it would.

5745. What would have been the charge of transhipping those goods outwards at Sincapore?—I am not aware what commission the agent would charge there, but I believe so much a package; I should not think it can amount to more than a half per cent.; not one per cent.

5746. With that additional charge, English manufactures could then, and can now, be sent to China?—I conceive so.

5747. That would be the amount of charge additional to that which would be incurred, if they were sent directly to China?—Yes; English manufactures could then and can now be sent

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direct to China in the Company's ships, with the exception of woollens.

5748. To what extent may they be sent by the Company's ships?—To a considerable extent; the ships go out almost empty direct to China.

5749. Do the merchants of Great Britain consign any quantity of goods direct to China by those ships?—Yes; there is no impediment, I believe.

5750. If those goods are sent in the Company's ships, do the Company's factors sell them at Canton, or do the owners sell them by means of their own agents?—The Company's agents are not permitted to transact any business, excepting for the Company.

5751. The price of woollens and of cottons have fallen about fifty per cent. in the course of the last ten years, and such facilities as you have mentioned existing, of sending British manufactures to Canton by the Company's ships, and by the channel of Sincapore, to what circumstances do you attribute the non-existence of any considerable export of those manufactures?—I have stated the facilities to exist, because I am not aware of any impediment, but I have never tried them myself. The impediment consists in the difficulty of making returns direct to England.

5752. The British merchant has at present, has he not, the means of exporting from China, by way of Sincapore, all Chinese produce and manufactures to England, with the exception of tea?—Yes, I believe he has.

5753. With the small additional charge upon transhipment you have mentioned at Sincapore?—Yes.

5754. It is therefore the want of the remittance in tea which, in your opinion, creates the great difficulty in the returns?—The want of some return. Tea would be a very eligible one, no doubt.

5755. Are there not at present all other kinds of remittance, except that by tea?—Yes, I believe there are. There are means of making returns in the Company's ships to a certain extent in the commanders' and officers' privilege.

5756. Will you have the goodness to explain the course of trade which you carried on when you resided at Canton?—The trade we carried on, independently of acting as agents, was principally in opium, almost entirely indeed; and the simple proceeding in that was, to remit funds from China to India for the purchase of the opium, which was then transmitted to the house in China, and the funds returned again to India for a repetition of the proceeding the ensuing season.

5757. What was the course of the trade which passed through your hands as agents?—Consignments from India, and a return

of the funds there or to England, if possible, as we were instructed. 18 June 1830.

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5758. Did you, to a considerable extent, return those funds to England?—As far as we were able ourselves, we did so.

5759. In what articles did you return those funds to England?—We generally sent home such goods as we thought would answer our purpose in England, and drew against them.

5760. What were those goods?—Raw silk, silk piece-goods, nankeens, and also bullion and dollars occasionally. The remittances in bullion and dollars have occurred of late years, since the exchange has been so low.

5761. Was the profit upon those articles considerable generally?—No, certainly not.

5762. Those returns only effected the object of remitting your funds to England?—Exactly; and would only be done when the exchange was very low in China—such as 4*s.* to 4*s.* 2*d.*

5763. Where did you purchase the opium which you exported to China?—At the Company's sales, through our agents, either at Bombay or Bengal.

5764. Did you ever purchase any at the Portuguese settlement?—Never, while the concern was under my management.

5765. Have you ever exported Turkey opium?—No; but we have purchased it very often in China.

5766. To any considerable extent?—Sometimes to a considerable extent.

5767. Is the sale of Turkey opium so considerable in China as to interfere with the price of the opium from Bengal?—It no doubt interferes so far as it increases the quantity imported, and is likely to do so more, perhaps, as I believe its consumption has greatly increased.

5768. Is it as well adapted to the taste of the Chinese as that from India?—No, it is not.

5769. For what purpose is that opium generally used?—For smoking, I believe; for medical purposes; that it is much stronger and better; but it is not so pleasant for smoking, being stronger; and I believe the Chinese mix it with the other kinds.

5770. Do you know whether the trade in Turkey opium is increasing?—It has increased.

5771. As rapidly as the trade in opium from India?—I believe about as rapidly, supposing my information to be correct.

5772. What is the present price of a chest of Bengal opium?—The latest price-current I have received was dated in December last; 830 dollars per chest for Patna opium was there quoted.

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5773. What was the price of Malwa opium at the same time?—At that time the Malwa was 780 dollars, but in January it was 730, a fall of fifty dollars having taken place on the Malwa, but not on the Patna.

5774. What was the price of Turkey opium at that time?—700 dollars.

5775. Is not the price of the Malwa opium usually higher than that of the Bengal opium?—It was during the early importations very much below the Patna and Benares, which it gradually attained or nearly so; but by the last accounts it appears to be 100 dollars under those kinds.

5776. Is the opium of Patna used for the same purposes as the opium of Malwa?—It is all used for the same purposes.

5777. What has been, within your recollection, the price of Patna opium?—Extremely various. I have known it as low as 700 dollars, and I have known it as high as 2,000 dollars.

5778. Have you known so great a variation in the price of Malwa opium?—Not so great. The Malwa opium has been introducing itself gradually for a series of years, and has been working upwards with reference to the Patna, returning a comparative value.

5779. The Malwa has more strength, has it not?—The Chinese use it entirely for smoking; and in reducing it to a fit state for that purpose, the Patna produces usually fifty or fifty-one per cent. of smokable extract. The Malwa, on the contrary, should yield from seventy to seventy-four or seventy-five. Seventy-two may be taken as the average, when of good quality.

5780. Is the smokable extract produced by the Patna opium superior to that produced by the Malwa opium?—I believe it is considered more delicate, and it would appear to be so, as the price has almost always exceeded that of the other kinds.

5781. The price has never been in the proportion which the smokable extract of one opium bore to the smokable extract of the other?—In the earlier introduction of the Malwa, the disproportion was very great in that respect: but the Malwa opium was then working up-hill into general use; now it has become more nearly equal in that respect.

5782. It appears by the account of the value and quantities of cargoes imported into Canton and Macao on the tonnage employed in the country trade, page 44, that in the year 1817-18, 2,435 chests of opium were imported into China; in the year 1820-21, 3,377; in the year 1823-24, 5,930; in the year 1825-26, 11,050; and in the year 1827-28, 9,475 chests; are you enabled to state what the imports into China were in the years 1828-29 and 1829-30, specifying the quantity of Turkey and Indian opium?—I am afraid that I cannot give the imports separately, but the total amount of Indian opium consumed in

China in the year 1828-9 was 13,132 chests, shewing an increase over the previous year of 3,657 chests, and yielding in dollars 12,533,115. The quantity of Turkey opium consumed in that year was 1,600 peculs. The chests of Indian opium are assumed to contain each a pecul; they contain much more in fact when it first arrives in China, but a considerable reduction in weight occurs in the keeping. A pecul consists of a hundred catties. On its arrival in China, a chest of Indian opium usually weighs about a hundred and fifteen catties, but it loses so much in the course of a few months that a chest which weighed a hundred and twelve originally will yield at the end of the season a hundred catties only. The Turkey opium consumed, as before stated, amounted in value to 1,040,000 dollars, making a total of 13,573,115 dollars for the total consumption of opium, Indian and Turkey, for China in that year.

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5783. Will you state the quantities in 1829 and 1830?—I can state for that year the different quantities sold by the Company. In Calcutta the Patna and Benares amounted to 7,909 chests. The quantity of Malwa declared for sale was not to exceed 4,000 chests; I have taken it therefore at that amount. The opium that came into China through the Portuguese settlement of Damaun amounted (and it had all arrived in China) to 4,596 chests, making a total for the market in 1829-30 of chests 16,305. Of the Turkey opium for that year I have no account, but I have estimated the quantity for that year at 1,800 peculs, which I think may be about the amount, which would make a total of 18,105 chests of opium.

5784. Can you state the value of that importation in 1829-30?—I have an actual return of consumption for the first six months of that year; the year commences on the 1st of April 1829; the actual consumption of the first sixth months in Indian opium amounted to 8,041 chests, and yielded 7,161,154 dollars. In order to arrive at a conclusion for the ensuing six months, of which I have no actual return, I have therefore taken a sort of average, under the latest quotations of prices which I have received, shewing a fall of nearly 100 dollars in the Malwar opium; supposing the same number of chests to be consumed in the last six months, therefore, they would produce 6,600,000 dollars, shewing a total of 13,760,300 dollars. I find that the price of Turkey opium had increased very much, having attained 700 dollars, while the Malwa was only 730. That is quite at variance with my experience formerly.

5785. What would be the total amount of that opium imported into China in the year 1829-30, if the whole of the Turkey opium had been sold at the price you have stated?—I estimate the consumption at 1,800 peculs, but I may be mistaken. Supposing that to be correct, however, the amount would be, 1,260,000; but as this kind is very fluctuating in its

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consumption and price, I am almost unable to make an estimate with any certainty.

5786. To what circumstance do you attribute the great increase of the opium trade within the last ten years; was it formerly conducted under different circumstances?—In some degree it was; but I think that it has been gradually extending itself over China, owing to the price being now much lower than it was when the quantity was smaller.

5787. What has been the diminution in price, on an average?—That is a matter of calculation, which I cannot answer without going back to previous years, and comparing the prices.

5788. Was the price of 2,000 dollars you mentioned for Patna opium an extraordinary price?—It was a very high price. I believe it has been as high as 2,500 at one time, but not at the time I was in China.

5789. Should you say that, on the average, the price of opium had fallen fifty per cent.?—I think I may say forty per cent.

5790. Was not the whole of the trade formerly carried on at Macao?—Yes.

5791. What circumstance induced the merchants importers to deviate from the practice of transacting the whole of their opium business at Macao?—The duties and charges that the Portuguese imposed, and the difficulties the Mandarins there threw in the way of the trade, which partially drove it to Whampoa, and finally and entirely to the place where it is now carried on.

5792. At periods when the ordinary trade of the Company has been interrupted, has the opium trade been interrupted likewise?—That would have no effect upon it generally speaking.

5793. Is it understood that the importation of opium from Damaun has been very profitable?—It has been very profitable, but not the last season.

5794. Do you know in what manner the opium is brought to Damaun?—I do not; I have no local knowledge in that quarter.

5795. In whose hands is that particular branch of the trade?—The hands of the Parsees principally.

5796. Do the Portuguese share in it to any extent?—To a certain extent they do, but not to a great extent.

5797. What is the price of a chest of opium at Calcutta?—It varies very much.

5798. What is the average price, when you speak of the price at Canton being 700 dollars?—I should think about 1,500 to 1,700 rupees; but I have not data to give an accurate answer to that question, it varies so very much.

5799. If the price of the Calcutta opium were lowered, even

in a small degree, could the Turkey opium come into competition with it?—The lowering the price of the Bengal opium must affect the price of the Turkey opium.

5800. Do you know at what price Turkey opium can be imported at a profit?—I do not know; for I never purchased any in Europe. It is principally in the hands of the Americans; in fact, almost entirely in the hands of one American house, who have nearly a monopoly of it in China. By holding such large quantities, they have a greater command of the market there.

5801. You do not know whether it has been a profitable transaction or not, at the rate of 700 dollars a chest?—I should think it must have been so; but that is the latest price. I have known it 450, and 500, and 550. It has risen very considerably since I left China, two years ago. It fluctuated very much, according to the quantities thrown in, and the Turkey being principally in one house, they controlled the market almost as they pleased.

5802. Are you able to state at what price it becomes a profitable transaction to the proprietor?—I am not at all, for I do not know what price they give for it at Smyrna.

5803. Do the Chinese authorities never interfere with the importation of opium?—It is not imported regularly; it is sent into the country from the ships. Every now and then there is a very strong edict issued against the trade; but, like other Chinese edicts, it is nearly powerless. It imposes a little difficulty perhaps for the moment, and enables the Mandarins to extort from the dealers.

5804. Do the Russians import any on the frontier?—No, I should think not; I never heard of their importing any. The Russians made an attempt, some years ago, to come to China by sea, and there came down an order to seize the two ships, and they would have been seized but that they had luckily sailed. They were under our management; but long before I was in China an order came down to seize the ships, and send up every man in confinement. The emperor did not understand how they could come to China from two opposite quarters. The Chinese said the English must have shewn them the way, or they never could have found it.

5805. It appears, by the return to which reference has already been made of the imports into Canton, that the largest import of cotton was 342,735 pekuls in 1826-27; that the imports in 1825-26 and 1827-28 were about equal, amounting to a little more than 270,000 peculs in each year; will you state any information you may possess as to the imports of cotton in 1828-29 and 1829-30?—I can state the imports in the year 1828-29, as taken from the Canton Register, and I believe that source of information to be correct. The importation in that year, from the 1st of April to the 15th of February, when probably the

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whole for that season had arrived, was, from Bombay, 112,631 bales; from Bengal, 58,326; from Madras, 13,643; making a total of 184,600 bales, weighing 474,223 peculs, or 63,229,700 pounds weight. The source from whence I get this information does not give the value it yielded in China, but I have taken the average of it at nine tales, which would shew in dollars 5,552,875.

5806. Have there been any considerable variations in the price of raw cotton in China of late years?—It has declined very much of late years.

5807. Has the quality of it been equally good with that of the cotton formerly imported into Canton?—The quality, when first I knew Canton, was very much superior, or there was a portion of it very superior. That superior description now probably finds its way to Europe.

5808. Did it appear to you that the cotton was inferior generally in its mode of cleaning to what it was formerly?—The superior kinds were, of course, better cleaned, they could afford the expense; the inferior kinds not so well cleaned.

5809. Have the goodness to look at this account, and state whether the import of any smaller articles of account has increased within the last two years?—(*The Account No. 29 being shewn to the witness.*)—I think I can hardly speak to that. I have been away four years, and these are minor articles that come in small quantities only.

5810. Do they appear in the price-current?—They do.

5811. Can you state from the price-current whether there has been any increase in the importation of them?—I should imagine the small articles from the Straits continue much the same; but there has been an increase in some articles; for instance, woollen cloths, cotton goods, and cotton yarn.

5812. Whence have those woollens been imported?—From England; by the Americans almost entirely.

5813. The account refers to the country trade only; have woollens been imported by the country trade?—I am not aware of that.

5814. Have cotton manufactures?—Cotton manufactures, to a certain extent, have come from England by India; but that is a branch of trade which has sprung up principally since I left China.

5815. Do you understand, from the accounts you have received since you left the country, that the importation of cotton manufactures is increasing?—My account is not very positive; but I should apprehend it is increasing.

5816. The inhabitants generally are clothed in cotton, are they not?—Almost entirely, excepting the richer classes.

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5817. Are the cottons of England cheaper than their cottons?—Their cottons are very cheap, and very strong. I should think, with the present low prices of cotton here, we should compete with them in point of price, but that our cotton articles are not so strong as theirs.

5818. If they could obtain for less money as good an article as they obtain from their own manufacturers, have they any prejudice that would prevent their purchasing it?—I believe none whatever. The duty on the raw material brought into China is so very trifling, and labour is so cheap, that they can manufacture it very cheaply themselves.

5819. The value of the imports into China having increased so much within the last ten years, in what manner have the returns been made?—In bullion, in bars, in dollars; principally broken dollars, and in goods and bills of exchange.

5820. Have the goodness to state the proportion?—To England, silk, piece goods, raw silk, drugs, and nankeens, are the principal articles.

5821. Those you consider as merely effecting a remittance?—Yes, merely.

5822. Have they been to any considerable amount?—I should think the raw silk and nankeens have, as our house have drawn already this season about £120,000 against remittances of that kind, by which I conclude that they are sending considerable remittances.

5823. What do you apprehend to be the total value of the remittances made direct from China to England in goods, as the returns of the country trade?—I am hardly able to speak to that; I have not made a calculation of that.

5824. In what are the remittances made to India?—In bullion, bars, dollars, and in goods, of which there is a long list, and bills of exchange.

5825. Have you the quantities?—No, I have not; with some exceptions they are very trifling; the principal are sugar, sugar candy, cassia, and raw silk of a coarse kind to Bombay, and also some of the finer kind sent eventually, I suppose, to England; some nankeens, pepper, glass beads, fruits, and ginger.

5826. Have the goodness to state what proportion of the returns was made in bullion?—The exportation of bullion from China in the year 1827-28, which might possibly include a small amount to London, but I am not aware whether that was the fact, was 5,668,000 dollars.

5827. All silver bullion?—Yes.

5828. Is that larger than the usual export into India from China of late years?—It is rather larger. That of 1828-29 I have not got for the whole year, only up to the 15th of February,

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when there had been exported 4,622,298 dollars, of which the greater portion was in broken dollars.

5829. Why are they broken?—The Chinese in paying dollars to each other have a practice, with a small iron stamp, of striking a print upon each dollar, as a mark of their own; the consequence is that as every body who pays a dollar gives it a blow of that kind, they soon become cut into small pieces, so that when exported they are sent to the mint.

5830. Have you known any attempts to carry on a trade in opium on the coast of China?—Yes, there have been several, but I believe not with much success; I believe we were concerned in one or two attempts during my absence in China, which we were not encouraged to pursue.

5831. Have any attempts been made to carry on a trade in cotton or any other articles on the coast of China?—Previously to my arrival in China, I think in 1806 or 1807, the house I afterwards joined sent a cargo of cotton to Amoy, under an engagement of joint participation with a native of Chinchoo residing at Canton, which he gave expectations of being a very profitable concern, under the management at that port of a relative of his own. My recollection is not very distinct as to the particulars of this transaction having taken place previous to my arrival in China, but the result was, that the Mandarin's exactions in that port were so great, and such difficulties were thrown into the way, that the Chinchoo-man's relation on the spot was unable to effect the sale, and the ship returned to Canton with the cargo unsold.

5832. Has the cultivation of cotton been increased in China of late years?—Our information is very vague in regard to the interior of China, but I apprehend it must have increased, from the circumstance of their price having fallen considerably.

5833. Do you expect that the importation of cotton yarn will increase?—Judging from what has taken place since I left China, with the detail of which I am not very well acquainted, however, I think it very likely it will.

5834. Are you of opinion that the possession of a power of making returns direct from China in teas would greatly facilitate the transactions of the Indian trade generally?—There is no doubt it would. The facility of making any returns would be a great advantage to the trade.

5835. If the export of manufactures to China has been profitable to those who have been engaged in it, to what circumstances do you attribute the diminution in the exports of manufactures to China by the Americans, and the circumstance of their carrying on the greatest part of their trade in dollars?—I believe that their trade in woollens has been profitable of late years, since the late fall of price here. I was not aware that their trade in woollens was decreasing.

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5836. Do you apprehend they will continue to carry on the trade in dollars?—I think, if the present exchange continues, or should fall even lower, as is probable, that they will go out to China provided with credits or bills on England, and raise their funds on the spot.

5837. Are you of opinion that the trade of the Americans and the country trade of India, derive great advantages from the existence of the East-India Company as a trading company at Canton?—I think the American trade in teas did derive a great advantage from the Company so long as the Company continued to make their advances in the previous season for the teas to be delivered to them the ensuing season; but that system is now discontinued by the Company

5838. In what way did that give an advantage to the Americans?—The tea merchants, that is the persons who contract with the Hong merchants to deliver the teas to them and collect them in the country, are generally without capital, and depend therefore upon the Hong merchant's advances to make their purchases for the ensuing season. Those advances were formerly made by the Company many years; but have been discontinued, in consequence of there having been large creditors, on one or two occasions, of a Hong merchant, who suddenly failed, and previously to his delivery of the teas on his contract with them.

5839. Has no other advantage than that you have mentioned been derived to the trading of the Americans and others from the existence of the Company?—I think there is one great advantage, in that the Company's servants, acting as one body, and carrying on an immense trade, are enabled to resist the exactions and extortions thrown in the way of trade by the Chinese government, or the officers under it.

5840. In the event of the Chinese government, or their officers, endeavouring to throw greater difficulties than had hitherto existed in the way of the regular trade, do you imagine the whole trade might be carried on as the opium trade now is, by smuggling?—I can hardly imagine such a state of things.

5841. Do you think it is in the power of the Chinese government to prevent the smuggling of opium?—I think it is out of their power to prevent the smuggling of opium; it is so much an article of necessity by those who have contracted a habit of using it.

5842. Is it not as necessary to the interest of the Chinese that they should sell their teas, as that they should purchase opium?—I think it more necessary to their interests.

5843. Would there not, therefore, under those circumstances, be a strong combination among the people of China in favour of the continuance of the trade, whatever the disposition of the officers of government?—I cannot conceive that the govern-

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ment could put an end to the trade altogether; it would find a vent in some way.

5844. Can any English vessels carry on the trade between South America and Canton?—I believe none at the present time.

5845. Can they do it by law?—I believe they can come from South America to China; I do not think the Company's charter prohibits that.

5846. Do American ships frequently arrive at Canton from South America?—Occasionally.

5847. What are their importations?—Bullion, and occasionally copper.

5848. Has the import of metals into China been profitable?—Very profitable of late in silver uncoined.

5849. Do you allude to gold or silver?—Silver; which comes in large masses from South America, and is sold at a considerable premium in China at present.

5850. Has the importation of other metals, such as tin, and iron and lead, been equally profitable?—Those metals were principally, if not altogether, imported by the Company. I am not aware of the state of their profits.

5851. Your house were principally concerned in dealing in opium?—Almost entirely as matter of business; and in goods, as far as remittances were required from China only.

5852. You consider that the most profitable mode of conducting that trade?—By far.

5853. Were the exactions on the part of the Mandarin at the port of Amoy intended to discourage the trade on his part, or merely from a desire to get more?—The trade there was entirely disallowed by the government; and I conceive that had the ship's cargo on the occasion alluded to been sold and landed, it would been illegal on the part of the Mandarin who allowed it. The consequence was, he requested a large present for himself; but he was so exorbitant that the adventure would not afford it, and the ship left in consequence. She sailed at last with the boats following her, and intreating her to return.

5854. If the amount of the exaction had the effect of preventing the trade altogether, would it not become his interest to moderate his demands, for the purpose of at least securing some share to himself?—One should think so; and the negociation went on for some time, and the captain waited till there appeared to be no prospect of success. The Chinchoo-man in Canton, who ultimately paid part of the loss, was quite satisfied with the return of the ship.

5855. Was that the first time that any foreign ship had ever made any attempt?—I believe it was the only time that any

English ship had made the attempt with cotton. The Spaniards formerly traded there. 18 June 1830.

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5856. Have you any reason to suppose that, if the Mandarin's exactions had not driven them away, the people were disposed to purchase?—It is at a great distance of time, but I believe they were so. They are always disposed to trade.

5857. What was expected to be the return?—Sycee silver, which means silver in ingots or bars.

5858. Was any difficulty anticipated in obtaining the silver?—None at that time, silver being then more plentiful in China than it is now; and although containing only about two per cent. alloy, I have known it at five per cent. discount.

5859. Is the export of silver allowed?—At that time it was allowed to a certain extent; now it is disallowed entirely.

5860. Notwithstanding that sycee silver is regularly exported?—Yes; much on the same principle that opium is imported.

5861. Are the regulations of the government, calculated to prevent trade with foreigners, habitually set at nought?—Decidedly so; which makes me suppose that, in the case of a total stoppage of the trade, it would find a vent still.

5862. If permission were given by the laws of this country to carry on the trade on the coast of China, do you conceive it could be profitably carried on?—I conceive it would be impossible to carry it on legally.

5863. From what circumstances?—The demands of the Mandarins would be so great and so uncertain, that they could not go there with any advantage. The government prohibit trading in any ports except Canton. They have been more strict of late than formerly.

5864. If the mandarins thought they could get something by it, would they not be disposed to relax their demands rather than lose their trade?—It might answer in regard to one ship, but in case of its going to any extent it would, I conceive, be known at Pekin, and the mandarin would be punished. The opium has been a trial of that, and though it has been sold on the coast, yet it is not to any great extent.

5865. Is there any law in China which would prohibit a Chinese junk, carrying on that sort of coasting trade on British account, starting from Canton?—There is no law that I am aware of there to prevent a Chinese junk carrying it on, but one would not like to trust the Chinese to do that on British account.

5866. Is there any port of China between Pekin and Canton now, at which there is a considerable domestic trade carried on by the Chinese?—I believe there are several; there are one or two places in Fokien and Kiangnan; those are the two principal

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tea countries; and foreign trade is carried on to those provinces to a considerable extent.

5867. To what countries do the Chinese carry on trade from those ports?—To Cochin China, to Siam, to the Straits, to Sincapore, to the Sooloo Islands, &c.

5868. Are the Chinese inhabiting the Eastern Islands purchasers of British manufactures, for the purpose of importing into China?—I am not sufficiently acquainted with their habits to say.

5869. From what ports do ships sail from China to Japan?—From several, I believe, but I am not very well informed with regard to the trade now.

5870. In your opinion, would the quality of teas be deteriorated if the trade were opened, and a greater quantity exported?—I think that would be the effect; I think so, from the Company, who contract upon a scale of prices applicable to the quality of the black teas deliverable in Canton, not succeeding in getting as much as they could wish of the better qualities, even at the higher prices, which they endeavour to do by every means in their power; but I believe it is more profitable to the Chinese to produce middling teas at a middling price than teas of the finer qualities at an increased rate.

5871. Do you think there would be any demand in this country for that tea of inferior quality?—I think there is at present a very great demand, but I think the finest qualities of black teas would almost disappear.

5872. As far as regards that part of the transaction, you conceive that would be increased?—I have no doubt it would be increased. Opening the trade must cause an increase; the price here would be so much lower.

5873. Do you look to the exports of teas from China, if there were an open trade, being made with a view to profit, or only as a return for the outward cargo?—I think, after the trade became settled, that the export of teas would become the principal means of remittance.

5874. That they would be reduced in this country as low as they can be?—Yes; that I think must be the effect.

5875. Do you apprehend that, under those circumstances, the export of British manufactures would be greatly increased?—I have no doubt the exports of British articles would be very considerably increased by an open trade in tea.

5876. Will you state the particular articles of manufacture which you think would find the best market?—I should think that, under such circumstance, woollens, camlets, and cotton piece goods, would gradually and eventually find their way into China in considerable quantities.

5877. Do you think cotton yarn would also be exported?—Yes; it is so, even under present circumstances.

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5878. Do you think that effect would be produced by a reduction of price, in consequence of competition?—That would be one effect; another would be, that if persons engaged in that trade were permitted to export teas, they might send them as a means of remittance, the bar to trade at present being a want of returns; and the profit would probably be looked for on the exports to China.

5879. Is there any disposition on the part of the Chinese to use articles of hardware, knives and forks, and so on, from Europe?—They use no knives and forks; but their own hardware is much cheaper. I believe there is more regard to cheapness in the Chinese than to quality. Their own are inferior to ours; but the price of ours is an obstacle, I conceive.

5880. Can you state the price of any particular article in hardware at Canton; table knives, for instance?—They do not use table knives. I have heard that a razor for shaving the head can be bought for a few candareens. Three cash and three-quarters make a farthing, and ten cash one candareen.

5881. How many candareens buy a razor?—A few; but I cannot say how many. Every time they use them they are obliged to hone them. Under an open trade, I think that hardware might be introduced, perhaps being now made so wonderfully cheap in England; I think that the superior activity and enterprize of individuals over that of a Company pursuing a beaten track, must open new channels, which it is impossible almost to foresee.

5882. Have they any disposition to use ornamental articles; Birmingham manufactures in brass, imitations of gold, and so on?—No, I do not think they have.

5883. Has there been an increased demand for woollens in China of late years?—Since the price has fallen there has been an increased importation. The demand might go to almost any thing if the price did not prevent.

5884. They would be more generally worn?—Yes; they like them very much; their mode of wearing a warm garment is to put two cottons together, and to stuff cotton wool between, but they would prefer the woollen; the cotton is liable to be wetted directly, the woollens are not so likely.

5885. For what species of article is the yarn that is exported into China chiefly used?—It is used, I apprehend, for manufacturing cloths; but I am very little acquainted with that, being since my departure.

5886. Do not you think that if they were unable to import yarn, the European manufactured articles would fetch a better price than they do now?—The importation of yarn at present has gone to so small an extent, it cannot be supposed to have affected their manufactures much.

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5887. Do you know whether the Americans have often suffered from exactions on the part of the Chinese government?—I am not aware that they have. The exactions do not fall directly upon individuals; they come on the trade generally. The Chinese do not acknowledge us at all; they say, we have nothing to do with you; we allow our people to trade with you, but we know nothing whatever about you; they look to the merchant who becomes security.

5888. In fact, do you think that the Company, by being a Company, have advantages over individual merchants?—I think that, by carrying on their immense trade, they have an influence that in case of the Government imposing impositions on the merchants and others, they are enabled to check them in their progress, or to cause them to be done away with; that I have known to occur. Individuals cannot be brought to act as a body, their interests are various and opposite, and each acts for himself.

5889. Would not a British consul supply the place now occupied by the Company in regard to authority in controlling the conduct of individuals?—I think that a person unconnected with the trade cannot have the same power as persons connected with the trade, and having an authority also.

5890. There are American and Dutch consuls residing at Canton, are there not?—Yes, there are.

5891. Do you know what degree of authority they have over the trade of their respective countries?—They have little or no authority; the American consul had no authority, he was a mere commercial officer in fact, I believe, until Mr. Wilcox was appointed. The consul has no power whatever over them, but is merely a sort of authority to register their mercantile proceedings; in fact that was proved on an occasion some years back, when a sailor belonging to one of their ships was strangled by the government; it was then proved that the consul had no authority over his countrymen.

5892. Has he no police authority in respect to the ships of his own country?—I believe none whatever.

5893. Has the Dutch consul any?—I am not a[illegible] the power of the Dutch consul may be; when I left Chin[illegible] a new appointment.

The witness is directed to withdraw.

JOHN CRAWFURD, Esq. is called in, and further examined as follows:

5894. Are you acquainted with the coasting trade of the Chinese, and can you state the course of that trade, and the amount of tonnage employed in it?—I have paid a great deal of attention to the Chinese trade. I will beg to deliver in a paper containing an account of the native foreign trade of China.

[*The same is delivered in and read, and is as follows:*]

The principal part of the junk trade is carried on by the four contiguous provinces of Canton, Fokien, Chekian, and Kiannan. No foreign trade is permitted with the island of Formosa; and I have no means of describing the extent of the traffic which may be conducted between China, Corea, and the Serchew Islands. The following are the countries with which China carries on a trade in junks, *viz.* Japan, the Philippines, the Sooloo Islands, Celebes, the Moluccas, Borneo, Java, Sumatra, Sincapore, Rhio, the east coast of the Malayan Peninsula, Siam, Cochin China, Cambodia, and Tonquin. The ports of China at which this trade are conducted are, Canton, Tchaotcheou, Nomhong, Hoeit-cheou, Su-heng, Kongmoon, Changhin, and Hainan, in the province of Canton; Amoy and Chinchen, in the province of Fokien; Ning-po and Siang-hai, in the province of Tchekian; and Soutcheon, in the province of Kiannan. The following may be looked upon as an approximation to the number of junks carrying on trade with the different places already enumerated; *viz*

	Junks.
Japan, 10 junks, two voyages	20
Philippine Islands	13
Sooloo Islands	4
Celebes	2
Borneo	13
Java	7
Sumatra	10
Sincapore	8
Rhio	1
East coast of Malay Peninsula	6
Siam	89
Cochin China	20
Cambodia	9
Tonquin	20
Total	222

This statement does not include a great number of small junks belonging to the Island of Hainan, which carry on trade with Tonquin, Cochin China, Cambodia, Siam, and Sincapore. Those for Siam amount yearly to about fifty, and for the Cochin Chinese dominions to abo[illegible]three; these alone would bring the total number of ves[illegible] on a direct trade between China and foreign countries to [illegible]. The trade with Japan is confined to the port of Ningpo in Chekiang, and expressly limited to ten vessels; but as the distance from Nangasaki is a voyage of no more than four days, it is performed twice a year. With the exception of this branch of trade, the foreign intercourse of the two provinces of Chekian and Kiannan, which are famous for the production of raw silk, teas, and nankeens is confined to the Phillippine Islands*, Tonquin, Cochin China, Cambodia, and Siam; and none of this class of vessels, that I am aware of, have ever found their way to the western parts of the Indian

* The provinces once conducted a trade among the Sooloo Islands and Borneo Proper, but owing to the anarchy which has of late years prevailed in these countries, it seems to be at present abandoned.

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Archipelago. The number of these trading with Siam is twenty-four, all of considerable size; those trading with the Cochin Chinese dominions, sixteen, also of considerable size; and those trading with the Phillippines five, making in all forty-five; of which the average burden does not fall short of 17,000 tons. I am the more particular in describing this branch of the Chinese commerce, as we do not ourselves at present partake of it, and as we possess no direct means of obtaining information in regard to it. All the junks carrying on this trade with Siam are owned in the latter country, and not in China; and I am not sure how far it may not also be so in the other cases. I do not doubt but that a similar commerce will, in the event of a free trade, extend to Sincapore, and that through this channel may eventually be obtained the green teas of Kiannan, and the raw silks of Chekian.

Besides the junks now described, there is another numerous class, which may be denominated the colonial shipping of the Chinese.—Wherever the Chinese are settled in any numbers, junks of this description are to be found, such as in Java, Sumatra, the Straits of Malacca, &c.; but the largest commerce of this description is conducted from the Cochin Chinese dominions, but especially from Siam, where the number was estimated to me at 200. Several junks of this description from the latter country come annually to Sincapore, of which the burthen is not less than from 300 to 400 tons.

The junks which trade between China and the adjacent countries are some of them owned and built in China, but a considerable number also in the latter countries, particularly in Siam and Cochin China. Of those carrying on the Siamese trade, indeed, no less than eighty-one, out of the eighty-nine, of considerable size, were represented to me as being built and owned in Siam. The small junks, however, carrying on the trade of Hainan, are all built and owned in China.

The junks, whether colonial or trading direct with China, vary in burden from 2,000 peculs to 15,000, or carry of dead weight from about 120 to 900 tons. Of those of the last size I have only seen three or four, and these were at Siam, and the same which were commonly employed in carrying a mission and tribute yearly from Siam to Canton. Of the whole of the large class of junks, I should think the average burthen would not be overrated at 300 tons each, which would make the total tonnage employed in the native foreign trade of China between 60,000 and 70,000 tons; exclusive of the small junks of Hainan, which, estimated at 150 tons each, would make in all about 80,000 tons.

The junks built in China are usually constructed of fir and other inferior woods. When they arrive in Cambodia, Siam, and the Malayan Islands, they commonly furnish themselves with masts, rudders, and wooden anchors, of the superior timber of these countries. The junks built in Siam are a superior class of vessels, the planks and upper works being invariably of teak. The cost of ship-building is highest at the port of Amoy in Fokien, and lowest in Siam. At these places, and at Chang-hin, in Canton, the cost of a junk of 8,000 peculs, or 476 tons burthen, was stated to me by several commanders of junks, to be as follow:

	Dollars.
At Siam	7,400
Chang-hin	16,000
Amoy	21,000

A junk of the size just named has commonly a crew of 90 hands, consisting of the following officers besides the crew; a commander, a pilot, an accountant, a captain of the helm, a captain of the anchor, and a captain of the hold. The commander receives no pay, but has the advantage of the cabin accommodation for passengers, reckoned, on the voyage between Canton and Sincapore, worth 150 Spanish dollars. He is also the agent of the owners, and receives a commission commonly of ten per cent. on the profits of such share of the adventure, generally a considerable one, in which they are concerned. The pilot receives for the voyage 200 dollars of wages, and 50 peculs of freight out and home. The helmsman has 15 peculs of freight, and no wages. The captains of the anchor and the hold have nine peculs of freight each; and the seamen seven peculs each. None of these have any wages. The officers and seamen of the colonial junks are differently rewarded. In a Siamese junk, for example, trading between the Siamese capital and Sincapore, of 6,000 peculs burthen, the commander and pilot had each 100 dollars for the voyage, with 12 peculs of freight a-piece. The accountant and helmsman had half of this allowance; and each seaman had 13 dollars, with five peculs of freight.

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The construction and outfit of a Chinese junk are too well known to require description. They are clumsy and awkward in the extreme. The Chinese are quite unacquainted with navigation, saving the knowledge of the compass; notwithstanding this, as their pilots are expert, as their voyages are short, and as they hardly ever sail except at the height of the monsoons, when a fair and steady seven or eight knot breeze carries them directly from port to port, the sea risk is very small. During thirteen years' acquaintance with this branch of the trade, I can recollect hearing of but four shipwrecks; and in all these instances the crews were saved.

The construction and rigging of a Chinese junk may be looked upon as her proper registry, and they are a very effectual one; for the least deviation from them would subject her at once to foreign charges and foreign duties, and to all kinds of suspicion. The colonial junks, which are of a more commodious form and outfit, would, if visiting China, be subjected to the same duties as foreign vessels. Junks built in Siam, or any adjacent country, if constructed and fitted out after the customary model, are admitted to trade to China upon the same terms as those built and owned in the country. If any part of the crew consist of Siamese, Cochin Chinese, or other foreigners, the latter are admitted only at the port of Canton; and if found in any other port of China, would be seized and taken up by the police, exactly in the same manner as if they were Europeans. The native trade of China conducted with foreign countries, is not a clandestine commerce, unacknowledged by the Chinese laws, but has in every case at least the express sanction of the viceroy or governor of the province, who, on petition, decides the number of junks that shall be allowed to engage in it, and even enumerates the articles which it shall be legal to export and import; at every port also where such a foreign trade is sanctioned, there is a Hong, or body of security merchants, as at Canton; a fact which shews clearly enough that this institution is parcel of the laws or customs of China, and not a pecular restraint imposed upon the intercourse with Europeans.

The Chinese junks properly constructed pay no measurement duty,

18 June 1830. and no kumsha, or present; duties, however, are paid upon goods exported and imported, which seem, however, to differ at the different provinces. They are highest at Amoy, and lowest in the island of Hainan. The Chinese traders of Siam informed me that they carried on the fairest and easiest trade, subject to the fewest restrictions, in the ports of Ningpo and Sianghai, in Chekian, and Souchon in Kiannan. Great dexterity seems every where to be exercised by the Chinese in evading the duties. One practice, which is very often followed, will afford a good example of this. The coasting trade of China is nearly free from all duties and other imposts. The merchant takes advantage of this, and intending in reality to proceed to Siam or Cochin China, for example, clears a junk out for the island of Hainan, and thus avoids the payment of duties. When she returns she will lie four or five days off and on at the mouth of the port, until a regular bargain be made with the custom-house officers for the reduction of duties. The threat held out in such cases is to proceed to another port, and thus deprive the public officers of their customary perquisites. I was assured of the frequency of this practice by Chinese merchants of Cochin China, as well as by several commanders of junks at Sincapore. From the last-named persons I had another fact of some consequence, as connected with the Chinese trade; *viz.* that a good many of the junks carrying on trade with foreign ports to the westward of China often proceeded on voyages to the northward in the same season. In this manner they stated that about 20 considerable junks, besides a great many small ones, proceeded annually from Canton to Souchon, one of the capitals of Kiannan, and in wealth and commerce the rival of Canton, where they sold about 200 chests of opium at an advance of fifty per cent. beyond the Canton prices. Another place where the Canton junks, to the number of five or six, repair annually, is Chinchen, in the province of Shanton, within the Gulph of Pechely, or Yellow Sea, and as far north as the thirty-seventh degree of latitude.

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5895. What appears to be the total amount of tonnage engaged in the foreign trade of China, by the account you have read?—Two hundred and twenty-two junks is the number given there.

5896. What is the amount of tonnage?—I am not able to make an accurate estimate of that. The junks are so very various in their sizes, that it is extremely difficult to make an estimate; they are from a hundred and fifty to a thousand tons. I should take them at sixty or seventy thousand tons, but that is a mere estimate.

5897. In that estimate, do you include the vessels employed in carrying on the coasting trade of China?—No; I have no knowledge of that branch of trade, except in so far as those vessels carrying on the foreign trade of China may be occasionally employed in the coasting trade, and some of them I know are.

5898. Have you ever known the Chinese purchase British

manufactures in any of the Eastern islands, for sale in China? —To a very small extent, occasionally. 10 June 1830.

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5899. What articles of manufacture have they purchased?—Generally speaking they do not purchase articles of manufacture. The rough produce of the Eastern islands, commonly speaking, is what they purchase. When they do purchase manufactured articles, they are commonly British.

5900. What particular articles have they purchased?—Broadcloths, white cottons, and iron. Those may be looked upon as the chief articles; but I beg again to repeat, that the junk traders do not purchase British manufactures to any extent. The Chinese junks that trade with Cochin China and Siam do purchase British manufactures at Sincapore to a great extent, but not those trading directly from Sincapore and the other Eastern islands to China.

5901. If the import of British manufactures into China be very profitable, the restriction only being the difficulty of obtaining returns, can you assign any reason why the Chinese should not import the British manufactures which they can obtain from the Eastern islands?—I imagine the principal difficulty is our not taking from the Chinese that which they have to give, the staple export of China—tea.

5902. The Chinese carries whatever he has to give, tea and every other article, to the Eastern islands, and carries back his return cargo; can you assign any reason for his not selecting British manufactures as a part of that return cargo?—I suppose that the other articles he is able to get there are found to be more profitable.

5903. What are those articles; are they the produce of the Eastern islands generally?—Barks, dye-woods, esculent birds'-nests or swallows'-nests, rattans, pepper, tin, betel-nut or areca, and a very considerable supply, lately, of Indian opium—a very large and increasing supply indeed of that article.

5904. If it is more profitable to the Chinese to import those articles into China, would it not be more profitable for the European merchant to import those into China in preference to British manufactures?—They do import such of these articles as Europeans have a local practical knowledge of into China. There are some, however, of which they can form no judgment, and which therefore they cannot safely trade in.

5905. Is there no article imported into China which produces less profit than British manufacture?—I cannot give any satisfactory information to the Committee upon that point.

5906. When you talk of importing into China, from what place do you understand the articles to be imported?—My reference is at the present moment almost entirely to the island of Sincapore; there are many other branches of the trade of the

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Chinese with which I am familiar, but my evidence at the present moment is chiefly with reference to the island of Sincapore, where I resided three or four years as principal of the settlement, under the direction of the Governor-General of India.

5907. Are there not articles in which a consignment directly from England to China might be profitable, the consignment of which through Sincapore may not?—That is sufficiently proved by the extensive importations into China from England by the Americans; for the Americans have the power to carry to China those articles of Straits produce, as they are often called, to China as well as we; but they do not carry them to any considerable extent.

5908. Have not the exports of British manufactures by the Americans decreased of late?—No; I believe they have largely increased.

5909. Has not the greater portion of the American trade been carried on in dollars of late?—A great proportion has always been carried on in dollars, but a considerable proportion of late years in bills drawn on America and this country. It has been carried on also of late in a good measure also through British manufactured goods exported, sometimes from the United States, but more frequently from this country.

5910. Does the country trade of India compete with the Chinese in the foreign trade of China of which you have spoken; is there much trade in country ships between China and Cochin China?—There is no trade whatever in country ships between China and Cochin China. In some of the staple articles of export from the British possessions in India and the Malay Islands to China, the country trade of India competes largely with the native trade of China, as for example, in the article of Indian opium, in the article of Turkey opium, in the article of pepper, of areca nut, and of tin. It does not compete with the Chinese trade in some other articles, as for instance, in barks and dye-woods, in esculent birds'-nests, and other peculiar articles of that nature. The British traders no not, as I have said before, venture to trade in these articles.

5911. Are they too unimportant?—Birds'-nests form a large article.

5912. Can you state why no British manufactures are sent to China by means of the country trade?—There are considerable quantities sent.

5913. Will you state the articles?—They are enumerated in page 44 of the Papers relating to the Trade of India and China, printed by the House of Commons the 4th of June 1829.

5914. Will you state, from that account, the articles of European manufacture?—Iron, lead, steel.

5915. Tin is of Eastern produce?—Yes.

5916. State the value of the iron imported into Canton the last year?—10,470 dollars.

5917. State the value of the lead imported?—The lead is 12,504 dollars.

5918. There appears to be no steel, is there?—None in that year.

5919. Is there any cutlery?—There is none in the last two years.

5920. Will you state the value of the broad cloth imported by the country trade?—34,467 Spanish dollars.

5921. Of long ells?—25,575 dollars.

5922. Do you apprehend that the cotton goods sent out are the goods of English or of Indian manufacture?—The Indian are distinguished in the account; those below them are clearly British.

5923. Will you state their amount?—66,487 dollars.

5924. There appear to have been no handkerchiefs since the year 1821-22?—No.

5925. Are there any other articles of British manufacture?—There are articles, not of British manufacture, but articles apparently exported from this country to India, and re-exported again.

5926. What are those?—I should conceive quicksilver to be one of those, and skins; perhaps Prussian blue and smalts, &c.; but those are all unimportant articles. In fact, it is a trade which cannot, from the circuitous course in which it must be pursued, be carried to any great extent; and I have seen quotations from the Canton price-current, stating that exports of British manufactures have been made from Canton to the continent of India, such as metals, from the want of any other mode of remittance.

5927. Has not the price of British manufactures in India been occasionally lower than the original price in England?—I should think that if such a thing ever happened, it must have been a very rare event indeed. To be able, according to the inquiries I have made in this country, to ascertain the real prime cost of an article, is a matter of extreme difficulty. An article in India may have sold for less than it cost the importer; but the idea of its being sold for a less amount than it cost in this country, is a thing highly improbable. If it took place once, it could hardly take place a second time; or at least it could only take place for a very short period of time, for no man would persevere in a trade that would not pay prime cost.

5928. What additional charge do you apprehend would be placed on goods sent out from England to China in consequence

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of its being necessary to tranship them at Sincapore, supposing that to be necessary?—I should think that would not be very considerable.

5929. If it is not considerable, has not the British merchant now the means of sending out British manufactures to China?—If he had the means of making a return, he would; if the British merchant could purchase a supply of the staple article of China as a remittance, he would have ample means of supplying China with British manufactures.

5930. Has not the country trade been principally in the hands of British merchants?—The greater part of it, I should suppose, has; but there are many others, besides British merchants, in India, concerned in that trade. The Parsees of Bombay are personally engaged in it; and the capital of Hindoo merchants at Calcutta is very largely engaged in it.

5931. As regards British merchants, how do you account for the great increase of it in their hands, if the difficulty be so great in obtaining returns from China?—There is a free exchange in the production of those two countries; they are placed under very different circumstances from those affecting the trade between China and Great Britain.

5932. Is it necessary, for the successful conduct of trade, that it should be direct between two ports, between England and Canton for instance?—I conceive it absolutely necessary, if we expect the Chinese to take our goods, that we should be ready to take theirs in return.

5933. Is not that trade often the most profitable which is the most circuitous?—I should think there is no distinction of that sort; that all trades may be equally profitable, whether circuitous or otherwise.

5934. If a British merchant exported, as he now may, from Sincapore, British manufactures to China, and sent a return cargo from China to India, which cargo might then come to England; might not that trade be as profitable as a direct trade between India and China?—The trade likely to be most profitably carried on between two nations must be that subject to the least restriction; that which can be carried on with the fewest limitations. If a trade be forced into a circuitous channel, it must be less advantageous than that which can be carried on directly.

5935. Have the goodness to state whether that trade, though circuitous, may not be still a profitable trade?—It may be a profitable trade; but it may be less profitable than a direct trade would be.

5936. Then can you assign any reason why it is not carried on at all; why British manufactures are not sent to China through Sincapore, and returns made through India?—I have already

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explained that. If this country does not take from the Chinese the articles which the Chinese have to give, we have no right to expect that the Chinese should receive our goods.

5937. What do the Chinese give in return for all the opium and all the cotton sent to China?—They give in return various articles; but I believe chiefly the tea that is furnished to this country.

5938. What are the returns made direct from China to India?—There are a good number of articles sent from China to India. Just now the principal article of export from China to India is bullion.

5939. You have stated what are the returns you have made from China as the proceeds of the cargoes sent from India to Canton; might not returns be equally made in the same articles for the proceeds of British manufactures sent to China through Sincapore?—India can take only a limited portion of the exports of China; the principal import, I have shewn, is bullion.

5940. Is there any difficulty in increasing the export of bullion?—That depends upon the state of the trade in the two countries.

5941. Is not bullion always procurable in China in exchange for any articles which may be exported to that country?—It is always procurable, but it depends on circumstances whether it will make a profitable return to the exporter. I have mentioned a case where it was not, and where the exporter was compelled to have British manufactures in return as an export to India. India requires only a limited supply of bullion, like every other country.

5942. Can you state why the Americans should have conducted four-fifths of their trade generally in dollars, why they should not have exported merchandize to a larger amount?—I think that the Americans have not the means of exporting manufactures to a large amount. They have no manufactures of their own which they could furnish to the Chinese. The quantity of British manufactures exported by them is yearly increasing.

The witness is directed to withdraw.

Ordered, That this Committee be adjourned to Tuesday next, one o'clock.

Die Martis, 22° *Junii* 1830.

The LORD PRESIDENT in the Chair.

22 June 1830.

Mr. W. Brown.

Mr. WILLIAM BROWN is called in, and examined as follows:

5943. You are a merchant or agent trading to China?—I am a merchant and agent trading to China and America.

5944. Did you ever export to China any goods on your own account?—No; I have merely acted as agent.

5945. Have you exported goods on your own account to other parts of the world?—No, I cannot say that we have; we are merely agents. If we have done so, it is to a very limited extent indeed.

5946. Can you state the extent of your shipments in successive years to China?—Not from recollection. I have here a statement which I beg to deliver in.

The witness delivers in the same, and it is read, and is as follows:

A STATEMENT of MERCHANDIZE shipped by W. and J. BROWN and Co., of Liverpool, to Canton, from November 1821 to July 1829.

						£	s.	d.
November 1821	Per ship	Columbian ..	883	Packages, value		66,751	19	4
February .. 1822	—	Isabella......	874	—		64,256	18	3
March 1823	—	Tobacco Plant	510	—		50,834	12	8
August ... 1823	—	Columbian ..	1,079	—		76,016	14	2
July 1824	—	Isabella......	677	—		53,277	2	5
February .. 1825	—	New Jersey ..	831	—		52,422	10	7
July 1825	—	Phœnix......	688	—		54,217	2	1
November 1825	—	Juniata......	684	—		47,505	19	3
September 1826	—	Isabella......	552	—		48,471	7	11
May...... 1827	—	Woodrop Simms	664	—		59,608	2	9
October ... 1827	—	Globe	943	—		65,966	19	4
May...... 1828	—	Isabella......	816	—		60,999	16	9
April 1829	—	Tobacco Plant	666	—		55,909	4	3
July 1829	—	Isabella......	626	—		48,818	15	6
					Total amount....£	805,257	5	3

N.B.—The above includes some specie, the amount of which cannot be given with accuracy, but it does not, probably, in the whole exceed £10,000. With this exception, the cargoes consisted of British manufactured goods, and the amount stated is the cost and charges after deducting debentures. In the evidence given before the Committee of the House of Commons, the Isabella's cargo in May 1828 was, by mistake, omitted.

Liverpool, 18th June 1830. (Signed) WM. BROWN.

5947. Do the amounts there stated vary from the declared values of the shipments in the custom house books?—I rather think they do. 22 June 1830.

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5948. To what extent?—I am not able to state exactly; probably one third less.

5949. Where no duty is paid on the export of goods, do those engaged in the export of them, in declaring the value of them, adhere as nearly as they can to the real value?—We are very careless about it. When we have no documents to fix it, we assume a value, where there is no export duty.

5950. Do you usually assume a value higher or lower than the real value?—We frequently cannot tell what the value is; we say so much per package; sometimes higher, sometimes lower; but I believe with respect to those goods the value assumed in all cases was lower than the real value.

5951. Do you know whether that was done for any purpose?—The gentleman, who was a partner in the house, owning this property, was willing to keep the business as much to himself as he could, and I do not believe he returns to us the real value or the real prices; but from the prices he transmitted to us our entries were made at the Custom House.

5952. Then was your duty confined to entering the goods?—Entering them and paying for them.

5953. What sum did you receive?—Two shillings and sixpence a package for shipping, and one per cent. for commission.

5954. How did you estimate your commission, if you were not acquainted with the value?—By bills drawn upon us for the purchase.

5955. Then, though you do not know the value of each article, you know the value of the total shipment for each year?—Yes; the shipment would take place at three or four different entries.

5956. For what ports do the vessels clear out in which you shipped those goods?—Generally for Batavia. I am not sure whether one did not clear out for Canton.

5957. Was that for the purpose of concealing the nature of the traffic?—It was.

5958. Have you any means of ascertaining whether those adventures were profitable?—The first few years they were profitable, and the last four years they were unprofitable; they are beginning again to be profitable.

5959. On what authority do you state that?—There are three branches of my establishment in the United States; through one of them, in Philadelphia, the arrangements for those cargoes were made, and credits lodged by John A. Brown and Company with William and James Brown and Company at Liverpool, for the purchase of those cargoes. We are desired

22 June 1830. to hold such a sum at the disposal of the gentleman who comes to make the purchases.

Mr. W. Brown.

5960. Have you any means of ascertaining the out-turn of that adventure?—Only from report. I do not see the returns; but I know it from my partner, who is acquainted with it. I state this from the substance of my partner's correspondence.

5961. Do you know what circumstance at any period diminished the profit on those exports?—About four years ago, when the trade became less profitable than it had been previously (I think that arose from more causes than one), about that period, the East-India Company were beginning to send teas direct from Canton to British America; and I apprehend that prevented those imported by the Americans being sent in there; and about the same period the European powers threw more difficulty in the way of the direct import of teas from America to Europe, and that also abridged the markets of Europe for the consumption of tea; and the trade also, I apprehend, was injured by the Americans being too enterprising; still hoping the business would improve, they continued to trade, probably on a fictitious capital in part, arising from bonding for the duties at long periods.

5962. The total import of tea into the British provinces in North America by the East-India Company not amounting to more in value than £100,000 a year, that circumstance alone would not probably have produced much effect on the American trade?—No; I do not think that that circumstance would alone, but in conjunction with the others it had this effect.

5963. As far as new duties imposed on the import of teas to the Continent of Europe might affect the American trade, they would likewise, if the trade were open, affect the trade of British merchants to the Continent in tea?—Of course they would.

5964. Is that over-trading at an end, in your opinion?—I I think it is in some measure; a number of those who were engaged in it at that time have been unfortunate in their affairs, and there is probably less competition.

5965. Have you any knowledge of the expense of navigating American and British ships?—Not of British ships; but I know something of American ships.

5966. Have you any means of comparing the two?—No, I have not.

5967. From your knowledge as a merchant and agent, are you enabled to form an opinion whether, in the event of the China trade being opened to British subjects, they would be enabled to carry on that trade with more advantage than the Americans carry it on now?—I apprehend mercantile capital is much more plentiful in this country than in America; the interest of money is less, and I think the expense of navigation

is as little; I think they would be able to carry it on with equal advantage, probably. 22 June 1830.

Mr. W. Brown.

5968. Are there not many American merchants engaged in that trade possessed of very large capital?—I do not think think there are many possessed of very large capital.

5969. Do you think those who have large capital, Mr. Cushion and others, have traded to more advantage than the persons possessed of small capital?—No doubt they have.

5970. To what circumstances do you attribute the greater profits they may have obtained in the trade?—I think they have been engaged in a different trade from most of the other American merchants; and they have not been obliged, I believe, to borrow money on respondentia, which is the usual method of raising money by those who have not sufficient capital themselves to carry on the China trade.

5971. Will you explain what respondentia is?—It is a loan made by a monied house to a house wishing to borrow, for which they receive a certain interest, say eleven or twelve per cent., for the voyage, the parties lending the money having the goods hypothecated to them, and paying the insurance; the sum they receive is without reference to whether the voyage is long or short.

5972. In what way does the possession of a larger capital afford peculiar advantages in the carrying on of the China trade?—It enables the party possessing that capital to chose his own markets in Europe with more convenience; it enables him probably to purchase large quantities of opium, and to let it remain for a market in China, which those possessed of smaller capitals, I apprehend, have not been much in the habit of; they have been more in the trade from the United States direct to England, and from thence to China, and then back.

5973. Do you apprehend the larger the capital the greater the advantage?—Provided it can be used.

5974. Should you think that the East-India Company, having so very great a capital engaged in that trade, could carry it on with more advantage than private merchants?—I do not think that any company can carry on trade with so much advantage as a private merchant, provided that individual has sufficient capital for his operations.

5975. Still less could you expect that degree of care which is shewn by a private individual in the management of his concerns, from persons managing the great capital of a company, who, whatever may be the out-turn of that adventure, would neither receive more nor less in the shape of interest and revenue?—That is precisely the view I take of it.

5976. Are you aware whether the woollens shipped on American bottoms for China have been in quality superior or inferior

22 June 1830. to those shipped by the Company?—I have reason to believe they are quite as good as those shipped by the Company, and bought with as much care.

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5977. Are they of the same sorts?—Pretty much the same.

5978. Can you state whether they are obtained by the private merchants at a lower cost than that at which the Company obtain their goods?—I think they are full as low as those bought by the Company, inasmuch as the private trader's payments are more convenient to the seller, and that they are not subject to the delay of inspection, which goods purchased by the East-India Company are.

5979. Are the woollens shipped all of one quality, or nearly so?—No; they vary very much in quality.

5980. Do you know on which quality the highest profit is obtained, whether the highest or the lowest?—No; I do not.

5981. Have any new articles been exported of late years?—I think not to any great extent. I understand they are trying cotton yarns in China, but I am not aware of any thing to any extent having been sent of late but what the Chinese have been in the habit of receiving.

5982. You have not shipped any new articles?—Not that I am aware of.

5983. For what length of time have you been employed in the shipment of British goods to China?—Since 1821.

5984. Have you been engaged in sending to British India?—Occasionally.

5985. In what year was your first shipment to China?—In 1821.

5986. What was the amount?—Sixty-six thousand seven hundred and fifty-one pounds; in February 1822, I perceive there is another cargo; in 1823, two cargoes; in 1824, one cargo; and 1825, three cargoes.

5987. The shipments gradually increased to 1825?—Yes.

5988. What was the whole amount of shipment in 1825?—About £150,000.

5989. Did the shipments fall off subsequently?—In 1826 there was but one cargo sent, amounting to £47,000; in 1827 there were two cargoes, amounting to about £120,000; in 1828, one cargo, amounting to £60,000; and in 1829, two cargoes, amounting to about £100,000.

5990. Have you any orders for shipment in the present year?—We have.

5991. To what extent, up to the present time?—About £110,000.

5992. So that the shipments are gradually increasing again since 1828?—Yes.

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5993. Can you state with more precision your reasons for believing that the last shipment had been profitable, besides the increased orders you have lately received?—I think it is evident that they are more profitable, from my house having lodged credit for these new operations; and they have also stated to me that they have been more profitable, and that they feel more confidence in going on with the trade.

5994. In what manner do your principals purchase goods for the China market?—One of the partners of the house has always attended and bought the goods in England, and for the payment of which he passes bills upon us.

5995. Do you know under what mark they are disposed of in China?—For some time past, probably from the first, he has been in the habit of putting his name upon them, in order to give them credit and currency with the Chinese.

5996. Is there any imitation of the Company's mark?—Not at all. I think he puts Samuel T. Jones upon them.

5997. Have you information you can depend upon that that mark is considered sufficient, without any imitation of the Company's mark in addition?—From every information I have I believe that mark obtains them as much credit with the Chinese as the Company's mark. His object was to establish the reputation of the house, by packing none but fair goods under that mark.

5998. Do you know in what manner the East-India Company's goods are purchased for the China market?—I have understood they are all subject to inspection, which creates some delay in the payment, which does not arise with the private trade, and which enables the private trade to make themselves as desirable customers to the sellers of the goods as the Company.

5999. Have you any means of comparing the manner in which Mr. Jones purchases his goods with that in which the East-India Company purchase their goods?—The principal information I have upon that subject is from Mr. Jones himself, and one or two of the manufacturers of whom he has bought. He has an opportunity of seeing the manner in which the goods are got up for the Company; and I have understood that his goods are fully as well or better bought.

6000. When you speak of the general result of the shipments having been unprofitable, can you state at what period of the voyage they became unprofitable?—The goods out have generally sold well, and for fair profits; but the return cargoes have been unprofitable.

6001. If the trade had been open, and those speculations had been conducted by British merchants, who might have brought back a return cargo to England, do you conceive that such speculations would have been more profitable?—I think they

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would not have been more profitable than the result of the American speculations. I think they must have sustained a loss by the import of teas. I cannot speak of the competition they would have to meet with; but if a British merchant has to go to China and bring teas to Europe, at present he would probably sustain a loss.

6002. Supposing they were to go to China and bring a return cargo to England, do you think the return voyages would be more or less profitable?—It depends on the number of the return cargoes. If there were but few cargoes brought, it would be profitable; if there was over-trading, that would be, as it has been in other instances of many new trades, unprofitable; Buenos Ayres, for instance—the first of the trade was most ruinous, though it has now become a healthy trade.

6003. Does that observation apply to trade generally?—Yes. It would be profitable so long as over-trading did not take place.

6004. Do you know whether the Dutch supply much of the tea that is now consumed in Europe?—I should think they do, a good deal.

6005. Do not you think that the want of a return cargo, which could be disposed of in the English market, has been one of the great causes of limiting the speculations of the Americans in China?—I am not altogether certain of that. I think that the returns being so unprofitable has imposed one barrier to the extension of the trade; but I am not aware that the Americans were deterred altogether from going there.

6006. Has not the circumstance of the best market in Europe for China produce being shut against them contributed very much to that?—No doubt.

6007. Has not the loss of the trade in tea to Canada had an effect upon their trade?—Undoubtedly, to a certain extent, it has.

The witness is directed to withdraw.

Mr. RICHARD MILNE is called in, and examined as follows:

Mr. R. Milne.

6008. You have carried on trade with China, have you not?—I have.

6009. Did you reside in this country while you were carrying on this trade?—No. I was born in Manchester, but a long time ago I went to the United States of America to vend British goods. I resided in Philadelphia. I commenced trading to India and China about the year 1799, and continued shipping in various vessels till the year 1811. At the period to which I allude the vessels went on freight; there would be ten to twenty shippers in one vessel, and a great number of vessels.

6010. What freight did you pay; did it vary much during

that period?—The period alluded to was that of the war in Europe. Freights were high, I may say forty-five dollars per ton measurement of forty cubic feet; or more correctly, speaking of tea, the Americans allowed ten quarter chests. 22 June 1830. Mr. R. Milne.

6011. Notwithstanding that high freight, was the trade profitable?—It was, at the period to which I allude.

6012. Did it increase gradually from the year 1799 to the year 1811?—There was an increase. The market was occasionally overdone; but at that period there were no manufactures in America, and we imported considerable quantities of goods from Calcutta as well as from China; there was a considerable trade to India and China out of Philadelphia.

6013. Was that part of the trade which proceeded from India profitable?—It was. I was concerned in both, and I think I may say that I never lost money during that period.

6014. Which was the most profitable of the two, the Indian or the China trade?—Sometimes one, sometimes the other; but I think the China trade was at that period the more certain.

6015. To whom did you commit the care of your exports to China at Canton?—The vessels by which I shipped, and I believe all the vessels at that period, were uniformly accompanied by supercargoes; the establishments in China had not then taken place.

6016. Did the supercargo on board of the ship take charge of the goods belonging to all the different merchants who shipped on board of it?—They did; there were pretty generally two supercargoes on board those vessels, nine times in ten, for the protection of the property in the case of death.

6017. You were at no loss for an agent; you were obliged to commit your goods to the supercargo?—Yes.

6018. How much did you pay him?—Three per cent.

6019. How was that sum calculated?—I believe he opened an account current with us; sometimes he deducted his three per cent. from the amount shipped; but at other times, from the amount of the goods purchased; it is nearly the same thing; deducting it from the amount shipped was a little in his favour, but nearly the same thing in amount.

6020. Of what did that shipment consist?—Almost always Spanish dollars; occasionally a little ginseng, a root gathered in America, which the Chinese like to take as medicine; but I may say almost always Spanish dollars.

6021. Did the shipments of other adventurers in the same vessel consist likewise of Spanish dollars?—Nine times in ten. The vessels from Philadelphia, which was at that time the most extensive port for the trade with China from the United States, the freight ships were probably, for their tonnage, the richest ships which visited China, having a large number of shippers.

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6022. What was the amount of their tonnage?—From 250 to 450, and perhaps, accidentally, as large as 500 tons, carrying 300,000 dollars.

6023. Nothing but dollars?—Very little besides.

6024. Who carried on the trade in merchandize?—The trade with China in merchandize from the United States of America is a much later trade. Some persons resident in Boston pretty extensively; some resident in Philadelphia, whom I know, pretty extensively; but the greatest part of the trade from the United States of America has been in Spanish dollars.

6025. When did the trade in the export of merchandize from America spring up?—There has been some export of American manufactures, I think not very large, from England, perhaps in the year 1820, or sooner; I cannot be positive. It commenced small, and has kept increasing.

6026. Have the Americans exported to Canton any quantity of the manufactures of continental Europe?—I should not think much. At New York they can make up a cargo of manufactures of Europe generally perhaps as soon as in any part of the world, the variety is so great.

6027. Has that been done?—I do not think it has. So far as comes within my knowledge, the exports of manufactured goods from the United States to China have been the greater part British, I think.

6028. Have the Americans exported latterly any great quantity of opium to China?—I cannot speak to that. I was never engaged in that trade.

2 9. What did you import from China besides tea?—Silks, nankeens, and a little cassia; occasionally, perhaps, some other trifling things, not worth enumerating.

6030. Were the silks as profitable as the teas?—Sometimes the teas left a good profit; occasionally the silks would do better. The silks were safe if we held them.

6031. Were the nankeens profitable?—Occasionally; not very, lately; of dull sale.

6032. Your trade in nankeens has almost entirely fallen off, has it not?—Yes. The great variety of pantaloon stuffs made in England and other countries has destroyed it.

6033. Does the trade in silks continue as profitable as it was?—It varies, I think.

6034. Generally speaking, was the safest return in tea?—At the period to which I allude the return in tea was very safe; but of late years very ruinous.

6035. To what years do you refer, when you say of late years?—I think four or five; for the last five years, to speak correctly; I do not pledge myself to one year.

6036. Do you know the reason of that?—The American people are extremely industrious, and have great enterprize. The great facility given by government of the credit for a year on the teas, and equally so the facility with which money is borrowed on respondentia, prevails to a considerable extent. 22 June 1830. Mr. R. Milne.

6037. Will you state what the law is with respect to the payment of duties in America on imports from China?—As regards tea, when the ship arrives we make an entry to land them from the vessel, and put them into bond. The government, if it is a person of respectability, will allow them to be taken into a room in the merchant's own warehouse. The teas are landed, and taken home to this room; and then they affix two locks on the door, the government keeping one key and the merchant the other; those teas may remain any period not exceeding one year; and whenever the merchant wishes to make use of them, he goes and makes another entry, getting some merchant to give a bond with him, and he has another year's credit for the duties. The teas are then delivered to the merchant for sale.

6038. Supposing you landed teas and gave your first bond, and at the end of twelve months took out the teas, should you then give another bond for the payment of duty at the expiration of twelve months from that time?—Yes, precisely so. The first is my own simple bond; the government do not consider themselves as putting me into possession of the property; they take my simple bond for entering in store; but the second bond is countersigned by a merchant, supposed to be of some solidity.

6039. Then you might possibly have credit for two years, minus a single day?—Yes; but I can make no use of the teas for the first eleven months. Until I make my second entry I do not gain any thing by my teas being in bond.

6040. But the payment of duty might be deferred for two years?—Yes; precisely so.

6041. Could you sell your goods before the expiration of the first year?—Yes. Though the goods are on my premises, the government have one key and I have another; by making the second entry I can get possession of the property at any time; but, in point of fact, I have only one year's credit, though the payment is deferred for another year.

6042. You have one year's credit after you have sold the goods?—Yes. It might so happen that I had not much credit in the duty on those teas if the market was depressed. I might not gain much time; but, generally speaking, all merchants within the year avail themselves of a favourable period, and sell off the whole of their teas; and it is understood in America that the first shipment enables a person to send out two others, when sold off, together with the benefit of the credit he has derived, if so disposed.

6043. When you take your goods out of bond at the end of

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eleven months and sell them, the price you receive covers the duty you have afterwards to pay?—It ought to do.

6044. How are you paid: in ready money or by bill?—The trade of America generally, in the large seaports, is for promissory notes. We give six months' credit; in general from four to six, according to our agreement; those notes we can convert into money, on some terms, to re-ship to China again.

6045. At what rate could you convert that bill into money; can you discount a bill at six months?—Six months, or nine months sometimes. The bankers do not discount paper longer than four months; but bills can be discounted at four, six, and eight months, at six per cent. per annum.

6046. Having by the sale of those goods realized some profit on what you had originally invested in the purchase of the exports sold, and having likewise received an additional price, which may be considered as money lent you by the government, you are enabled to purchase another cargo, and so to continue the adventure?—Yes.

6047. Has not the American trade with China been in a great measure supported in that manner?—Not at the period to which I allude; they were then *bonâ fide* capitalists. There went in one of those freight ships, which were frequently the richest ships visiting China for their tonnage, consignments by ten or twenty shippers. I would ship £2,000 or so upon one of those vessels, and go on as many vessels as I could; being my own underwriter, which increased the profit, I would ship £1,000 or £5,000, according to my ability.

6048. Will you state what were your actual losses by underwriting?—I never lost any thing; they were good vessels. I think I shipped once to Calcutta, in the year 1817 or 1818, in a vessel which had something damaged; but I gained, I did not lose then.

6049. What was the rate of insurance to China at that time?—During the late war it was seven or eight per cent. out and home.

6050. Were you peculiarly fortunate, or was the loss small in general?—They were good ships, and they took care whom they selected for captains; the captains were persons of good habits, and intelligent.

6051. Was there then very little competition among the insurers?—There are a great many insurance offices.

6052. Is not insurance in general higher in America than in this country?—I do not think it is now; it may be a fraction; in America there is no policy duty; I go to an office and insure £1,000 sterling, and all I have to pay is one dollar for a printed policy.

6053. What is it in this country?—I don't recollect, or not positively. 22 June 1830.

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6054. During the time you were engaged in the trade, did it appear to you that the quality of the tea you imported was deteriorated?—The tea called young hyson, which was in great demand in America, deteriorated or fell off very much in quality.

6055. Was the quantity imported much greater than it had been?—The import certainly increased. I think twenty years ago they told us that young hyson tea, that which was really young hyson, the buds of the first gathering of hyson, I believe, could not exceed 4,000 chests; but the Chinese finding it in great request, and that the Americans would give a fair price for it, they increased it to 20,000.

6056. Have they furnished an inferior tea?—Yes, the quality fell off very much.

6057. Did the quality of black tea deteriorate much?—I never imported much black tea.

6058. Did old teas of a former year obtain a ready sale in America?—No; they declined in value, to speak correctly, five per cent., unless the new teas were very inferior in their quality, and the old ones have been superior; then the difference might not be so great; but if the new teas were of good quality, it would be difficult to sell the old teas.

6059. Even at a loss of five per cent.?—Yes, I think so; I believe I am speaking within bounds, but I cannot pledge myself precisely.

6060. Are you yourself a judge of the quality of teas?—I know a little.

6061. Should you say that the old teas were very inferior to the new, supposing them to be originally of the same quality?—Since I was examined in another place I have been into different shops in London to inform myself. I examined their teas, and talked to them. Some of them I knew. Their ideas appeared to me to be very much the same as ours in America, and that the depreciation in the quality of teas would exceed five per cent. per annum.

6062. In the second year would it fall off more than five per cent.?—I do not mean to speak to that. I should think that the lower-priced teas would fall off from five to seven and a half per cent. in the first year; but that I may be within the mark, I would say five.

6063. Would the higher-priced teas fall off in the same proportion?—I think not.

6064. What induced you to leave off the trade?—It was not profitable, and I was drawing my affairs into a small compass.

6065. What part ceased to be profitable; was it the import of

22 June 1830. teas, of silks, or of nankeens?—Of teas chiefly; the loss was serious on teas latterly.

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6066. Was there any profit on the common articles you mention; drugs, and so on?—We used to import cassia to fill up the tonnage in many of those ships. Two tons and one-eighth were allotted for every thousand dollars in value; and if the teas and silks did not make up the tonnage, they put in other articles of smaller value.

6067. To what year do you refer, when you say the trade became unprofitable to you?—The last time I shipped was in 1820. I did not lose money, but I did not make any. A year or two after that it was better; but I believe since 1824 there has not been much profit on teas. Some persons with superior judgment and management may do better; but taking it as a whole, I think the losses have been great.

6068. Have you any information by which you can judge whether the trade is now reviving?—My letters from America, from persons engaged in vending English goods in particular, within the last two months, say, we cannot complain of trade. I am told, indeed I see from the prices-current, that teas are very low; but I believe the Americans succeeded better this year in vending English goods in China; in some degree, perhaps, owing to the misunderstanding with the Company.

6069. Were you in America in 1825?—Yes.

6070. Did you at all watch the tea market at that time?—I do not recollect particularly watching it; I know it was very bad.

6071. Was not that a year in which there were larger importations than any other year?—That was during the years 1824, 1825, and 1826, and persons who were then speculative traders, Mr. Thompson, Mr. Smith, and others, have failed. I believe the vending of English goods in China by a person who had some knowledge of the caprice and taste of the people has been beneficial.

6072. Do you mean English goods taken from America, or English goods carried by Americans from hence?—English goods carried by Americans from hence to China.

6073. Can you state what proportion of tea imported remains in bond for the whole eleven months, and what proportion is taken out immediately?—I think in the course of thirty or forty days after the import nearly the whole is taken out. The greatest part of the China traders make an entry for the benefit of long credit into their own warehouses or government stores, and so soon as that landing is completed they generally make a final entry, get the teas into their own possession, and make a public sale of them, the same as at the India-House, they sell off an entire cargo on the credit of six months; an auctioneer or per-

son who vends those goods is often a person of capital; he will agree to sell the goods, to guarantee the debts, and to cash the bills, at a certain per-centage.

6074. Is it allowed to sell goods in a bonded warehouse, without paying up the duty?—No, it is not; they make an entry and give a bond with security, and then they are delivered; they do not allow them to be sold in bond; if there be an hundred chests, a merchant can enter five or ten as he wants them; but it was the custom with many traders to make a final entry, and sell the whole off.

6075. What is the amount of duty payable in America on tea?—It is a specific duty varying according to different qualities; on the common bohea it is twelve cents per pound; on congo and souchong, and on all black tea it is twenty-five; on hyson skin tea it is twenty-eight; on young hyson and hyson it is forty, and on the fine teas, imperial and gunpowder, I believe fifty cents per pound.

6076. What is the proportion of the duty paid in America to the duty paid in England?—It appears that the duty paid in America on all the teas is about equal to the first cost in China; I lieve I may say it is a hundred per cent.; if the tea in China costs 1*s.* the duty is 1*s.* in America; I have before stated it at 75 to 100, but I believe it is 100.

6077. What is the amount of duty when paid on the sale price in America?—If hyson skin tea sells for sixty-three cents, the duty, which is twenty-eight, is equal to forty-five per cent. On the finer teas the duty may be thirty-three or thirty-five per cent. on the sale price. I speak without calculation, but I believe I am nearly correct.

6078. What is the difference between the cost price in China and the sale price in America of the different sorts of tea?—It has been very bad indeed of late; the loss on many of those teas has been twenty-five per cent. and thirty per cent. I am given to understand now, that the import of tea into America this season will occasion loss; but I only know what others have told me upon that subject.

6079. Should you say that teas bought at New York and Boston in the course of the last autumn were sold at a remunerating price to the importer?—I should think not; persons in Boston and others have made a profit, perhaps, on the outward voyage on English goods from this country.

6080. To what cause do you attribute this loss thus sustained?—The market has been overstocked with tea; the teas on the continent of Europe have been exceedingly low. The trade to Canada, as it was termed, has been cut off completely: Coffee is very low in price, and people in America breakfast on coffee.

6081. Did the persons whom you employed to transact your

22 June 1830. concerns at Canton experience any difficulty in managing them there?—My opinion is, that they did not experience any difficulty whatever; I never heard of any.

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6082. Neither from the regulations of the government, nor the dispositions of the people?—I never heard of any difficulty whatever; I believe that if they conduct themselves with propriety they never experience much difficulty.

6083. Do you conceive the absence of dificulty was at all increased by the presence of the East-India Company's establishment there?—No, I do not think it was; I believe that those freight ships from Philadelphia were as well received there as any ships visiting that port; they were the richest ships, decidedly, for their tonnage.

6084. Did your agent at Canton ever represent that there was any difficulty in obtaining an increased quantity of teas, if there was a demand for it?—The young hyson tea left us the best profit. Our instructions were to bring all the good young hyson tea they could procure, but their answer was always that it was not to be had. Of the other qualities of tea, sometimes the price was a little higher, but there was no deficiency in quantity.

6085. Is the young hyson the best?—No; but it is a favourite tea with the Americans; it represents the hyson, and is at a moderate price.

6086. The quality of young hyson fell off you say in one year, did it improve in subsequent years?—I do not think it did.

6087. To what year do you refer when you say it fell off?—I think the last five or six years; the prices-current speak to that; the prices being so low.

6088. It has not recovered in quality?—It had not while I was in America, or not generally.

6089. Was there any difficulty in levying the duty on tea, on the principle of rateable duty?—No, I think not. There were some of the parties did not pay; but there was no difficulty as to the adjustment of the duty, that I am aware of. The boxes are marked outside with the different qualities of tea. The boxes are nearly all of the same size; but a box of fine tea weighs much heavier than a coarse one.

6090. Then there could not be a very extensive fraud?—There could not be. A box of fine tea is thirty or forty per cent. heavier than one of coarse tea.

6091. Have you seen the statement delivered in to this committee, and printed, of the comparative prices of tea at various places on the Contient and in America, and the prices the same teas would fetch at the East-India Company's sales without duty?—I have never seen that, not having been able to procure it.

6092. What other modes of remittance from China to America are there besides tea?—Silks and nankeens.

6093. Is there any mode of remittance by bills?—They often sell bills drawn on London. If the exchange be favourable, they carry out credits.

6094. Would the loss by remitting by bills be greater or less than by remitting by tea?—I am not acquainted with the exchange; I suppose one will govern the other very much.

6095. You mentioned that some shipments from America to China had been attended with advantage, in which the exporter had consulted the caprices and taste of the people?—There are persons who are good judges of fancy silks; and the Chinese can imitate any thing while they remain there. One of those rich ships will remain three months. The supercargo will take out patterns of English or French goods, and will have something made as near them as possible. The person who orders those goods will keep the patterns to himself, and if they are rich fancy goods, he is perhaps greatly benefited by them.

6096. Do you not think that the exertions and inquiries of individual merchants would be much more conducive to improvement in such a trade as that than the dealings of a great company?—I have no doubt whatever but that that would be the case. But it is my decided opinion, that if you take an experienced man out of a large wholesale warehouse in London or Manchester, accustomed to the sale of goods, and to study the caprice and taste of buyers, such an individual placed in China could give instructions to this country, by which they could imitate a variety of costly goods, at a low price, to please the Chinese. They could imitate a variety of things which the people wanted, and could extend the sales in a two or threefold ratio in a reasonable period.

6097. You conceive that the inquiries of individuals are almost essential to the improvement of such a trade as that?—I think if I took an experienced man out of a large extensive warehouse in London or Manchester, accustomed to the sale of goods and to study the state and caprice of the buyers, he would be enabled to communicate highly valuable information to the manufacturers in England; and such persons could extend the trade two or threefold in a few years.

6098. You think that if the export trade of the East-India Company to China has not lately increased, it may be in part owing to the absence of that species of exertion?—I should think it is in part.

6099. Have not the Americans had the means of sending out such a man as you have described for many years past?—Yes.

6100. Have they done so?—I know some of them have not;

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but I think such a person as I have described would be very valuable if he was in China.

6101. Has such a person ever been sent out there?—There perhaps have been persons sent there who have done it in part; but not such as are to be had in the great warehouses in Cheapside or Manchester.

6102. In the event of opening the trade with China, do you apprehend that the English merchants would have the means of extending that trade beyond those which have been possessed by the Americans?—I think an English manufacturer or merchant would understand the shipment of goods better, as regards a free trade; he would be on the same footing as regards the trade in tea. The Americans have of course the same advantage as the English; but it is very difficult to enter into competition with a large manufacturing house in this country.

6103. Do you not think that a manufacturing people would unavoidably enjoy greater advantages of the kind to which you have been just alluding than a nation which was not manufacturing?—Certainly; that is what I mean to say.

6104. Have not the Americans possessed means of exporting manufactures from this country, and of adapting the form and the colour and fashion of those manufactures to the taste which they understood to exist in China?—They certainly have had persons here; but the very limited extent to which the trade has been carried to so immense a population must shew that it is in its infancy, in my opinion.

6105. Do you think there has been a want of capital in the trade?—No, I do not think that there is a want of capital; but the trade is too limited for so large a market; that is my opinion.

6106. Do you know whether the Americans have attempted to trade with any part of China except Canton?—Not to my knowledge.

The witness is directed to withdraw.

Ordered, That this Committee be adjourned to Thursday next, one o'clock.

Die Jovis, 24° *Junii* 1830.

The Lord President in the Chair.

24 June 1830. — Sir J. B. Urmston.

Sir JAMES BRABAZON URMSTON is called in, and examined as follows:

6107. You were in the Company's service in China?—I was.

6108. What was your situation?—I was there altogether

above twenty years; I filled the several stations in the Company's factory, and was president of the factory about five years in the latter part of my residence there. 24 June 1830.

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6109. Do you think the Company purchasing their teas generally by contract, purchase them as advantageously as individuals who purchase them in the open market?—I think so, most certainly; they have the chance of procuring better teas.

6110. Do you conceive that all the best teas are furnished to those merchants who contract with the Company?—Not all of them; a portion of the Company's teas are purchased in the market.

6111. What proportion of the teas is purchased in the market?—It depends a good deal on the circumstances of the season; sometimes a third, sometimes a fourth, sometimes a fifth, if the contracts fall short, which has been the case frequently. When they have not been able to obtain a sufficient quantity of the contract teas, the investment is made up by purchases in the market.

6112. Have the contractors usually failed in delivering the higher or the lower qualities of teas in the quantity demanded by the Company?—During my residence in China, particularly during my chiefship, there was a great defalcation in the quantity of the green teas; that happened in two or three seasons; we had also some difficulty in obtaining the quantity of green teas which the contract required.

6113. Have you gone into the open market for the purpose of purchasing those green teas, when an insufficient quantity was furnished to the Company by contract?—When the quantity of green tea was not to be had under the contract, there was scarcely any of that tea to be had in the market. I alluded, in my former reply, chiefly to the purchases of black teas; it seldom occurred that when there was a deficiency of green teas there were any of those qualities to be had in the market.

6114. How do the Americans purchase their teas?—There have been instances where they have individually and privately contracted for the teas, but I believe generally they purchase in the market.

6115. Do they not usually purchase a very large quantity of green tea?—The Americans have generally run upon green teas; almost invariably. The proportion of black teas imported into the United States of America has been, I understand, comparatively very small.

6116. In those years in which an insufficient quantity of green teas has been furnished on contract to the Company, and they have not gone into the market to purchase any quantity in consequence of the deficient supply in the market of that quality of tea, how have the Americans supplied themselves?—It has frequently happened that in the season when the Company could

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not obtain their quantity of teas; the Americans have also been deficient in their quantity of teas to a certain extent; besides which the Americans have frequently taken that description of green tea which the East-India Company would not, as being unsuited for their investment.

6117. Buying green teas of an inferior quality?—Yes.

6118. Should you say that in general the quality of the American teas has been inferior to that of the Company?—I should say so most distinctly; there must of course be some exceptions to this, in a trade carried on for a long period of years.

6119. Have the teas the Company have purchased in the market been inferior to those they purchased on contract?—Not always; sometimes they have been equally good, at other times they have been rather inferior; they have sometimes been compelled to take rather an inferior quality of tea to make up their investment, not from choice but from necessity.

6120. Who are the persons who supply the market at Canton with tea?—Different teamen (as they are denominated); teamen who come down from the country. They bring the contract teas for the Company, through the Hong merchants, and also their private consignments or investments of tea, to be disposed of to the Company and private individuals. Some of the Hong merchants supply the Americans frequently with such teas.

6121. Do those teamen bring down tea in small quantities?—They sometimes do, but generally in what may be considered large quantities, seldom less than two or three hundred chests, which however is comparatively small certainly.

6122. Are they proprietors of the tea, or agents for the sale of it?—Sometimes they are proprietors and sometimes brokers; but I think, generally speaking, the men who bring the teas down are brokers or agents, who bring them from the proprietors in the tea country.

6123. Are they persons of similar character to those with whom the Hong merchants contract for the supply of the East-India Company?—I believe they are of the same character of Chinese, as far as my information goes.

6124. Are they not sometimes the same individuals?—Sometimes it happens so in the course of a period of years.

6125. If a teaman had made a contract he thought not advantageous with any one of the Hong merchants, he would bring his tea into the market, would he not?—If the contract is once entered into between the Hong merchant and the teaman, he is bound to produce it.

6126. If he thought it was not advantageous to enter into the contract proposed to him by the Hong merchant, he would then bring his tea into the open market?—Most assuredly.

6127. So that the only circumstance which would determine

him in contracting with the Hong merchant, or bringing his tea into the open market, would be the terms, whatever they might be, which might be offered to him by the Hong merchant?—I should apprehend that they have the chance of a better sale to, and payment from, the Hong merchant than in the market, and certainly so if the teas were intended for the Company's investment. 24 June 1830. — Sir J. B. Urmston.

6128. The teaman, when he brings down his tea, sells through the agency of the Hong merchant, does he not?—Very frequently he may sell to the outside man, because the teamen do not come within the monopoly of the Hong merchant at Canton; they are, I believe, free agents as far as the disposal of their tea is concerned.

5129. Do the Company usually conduct their business through the agency of the richest and most solvent of the Hong merchants, or through that of insolvent merchants?—The business of the East-India Company at Canton has generally been divided among all the Hong merchants. When the poorer or junior merchants have not been able to procure their teas, it has generally been done through the agency of the senior merchants.

6130. Have they ever by preference dealt through the agency of the inferior and less solvent merchants of the Hong?—That has rarely been the case; it has I believe occasionally; I do not immediately however recollect: when they have had proper security for the obtaining of the teas from that merchant; they have seldom done it unless that person was secured by some of the more opulent merchants.

6131. Have they done it extensively?—No; the reverse.

6132. They would rather avoid doing it?—Yes, assuredly, if there was any risk, especially.

6133. Do you apprehend that open traders at Canton derive any advantage from the circumstance of the Company trading through the agency of the insolvent Hong merchants?—I should think it made very little difference to them.

6134. In what way would it benefit them at all?—I do not think it would at all interfere with them.

6135. Are teas obtained more readily through the insolvent than through the richer merchants?—I should say not; for the teas would be required to be of the same quality as if they were purchased through the richer merchants.

6136. Where the name of an insolvent merchant is used for a transaction in tea, what commission does he receive; does he receive the same as if he were a solvent merchant?—It is done with that view; some remuneration has generally been made to the Hong merchant who thus assisted the insolvent one; whenever the East-India Company deal in that way with the insol-

24 June 1830. vent merchant, it is to give him some assistance to endeavour to relieve him from his difficulties.

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6137. So that it is exactly the same thing to them whether they purchase through him or through another; they pay exactly the same commission?—Whenever that has been the case it is so; but it is not a very usual occurrence, as I remarked before.

6138. They would not go out of their way to give the advantage of that remuneration to an insolvent, in order to place him in a situation of great wealth and more respectability?—I conceive that if a merchant had failed probably more from unfortunate circumstances than misconduct, the Company would endeavour by every means in their power, consistently with their own interest, to assist that Hong merchant, in order to restore him to his former situation.

6139. Do you apprehend that it is necessary that the Company's trade at Canton should be conducted by an establishment so numerous as that which is now there?—I conceive it would be quite impossible to conduct the Company's trade with a less establishment than now exists.

6140. Are all the persons on that establishment constantly employed?—Entirely so, during the season of business, which is about six or eight months; and a good deal at other times.

6141. What length of time should you think required, in order to obtain such a knowledge of China and the trade, as to be enabled to conduct the business profitably and well?—I think that it would take some years; the mere buying and selling of teas might be acquired in two or three years; but there are other equally important occupations which require several years' attention and study to make them perfect.

6142. Do you allude to the learning the language?—I allude to the knowledge of the Chinese character, system, and habits, to enable us to negotiate with them in the anxious discussions in which the Company's servants have been involved. I do not think any person could do it successfully, unless after some years of experience and study of the general system of the Chinese at Canton.

6143. Do you apprehend that in that respect the Factory has advantages over any private agent residing at Canton?—Most decidedly, the greatest.

6144. What particular advantages, in your opinion, are derived to the general trade of other merchants, from the circumstance of the East-India Company trading at Canton with their monopoly?—I consider that the East-India Company, by their power and their influence generally, have been able to gain points with the Chinese which have proved frequently beneficial to the other nations trading to China.

6145. Had the East-India Company conducted a trade of the same extent under the same management at Canton, but without a monopoly, do you think they would have been enabled to effect the same objects?—Certainly not, in my opinion.

6146. In what way do you apprehend that the possession of that monopoly has given them a greater influence than they would have otherwise possessed?—It is the great combination of the Company's influence, if I may use that expression, which gives them a control over the markets generally at Canton.

6147. Does not that influence depend upon the extent of their dealings conducted by the Select Committee, and not upon the circumstance of their being assisted in their profits by a monopoly?—I should say that, strictly and fairly speaking, the East-India Company's trade is not that close monopoly which has generally been represented. I allude to the very large quantity of British shipping belonging to individuals or private houses of agency, which annually proceeds from our Indian dominions to China, generally called country ships, quite distinct from the Company's ships from this country. The Company's trade in teas to this country is certainly a monopoly.

6148. Do you apprehend that, in their dealings with the Hong merchants, the Company derive a very great advantage from their power over the country ships; their power of stopping the trade?—I certainly conceive that they possess this advantage, that having the authority vested in them over the country ships which trade between India and China, they are enabled to take those measures which would prevent any improper conduct on the part of the country ships, if they were so disposed.

6149. If their power over the country ships extended no further than to the prevention of improper conduct on the part of the crews of those country ships, do you apprehend that that power would give them any particular advantage, in dealing with the Hong merchants, of preventing exactions and impositions?—Certainly, it gives them a great advantage, I conceive.

6150. What other power have they over the country ships?—They have the power, in fact, of general official controul over them, as having the British flag flying; they are always placed by the regulations of the East-India Company, as soon as they arrive in the port of Canton, distinctly under the authority of the East-India Company's representatives in China.

6151. Have they not the power of stopping the trade, and preventing their carrying on the trade with the Hong merchants?—Most unquestionably; it has been done occasionally, but only on important and imperative occasions.

6152. Is not that a most powerful means in their hands of preventing the exactions of the Hong merchants?—Most certainly it is.

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6153. Suppose the Company to lose their monopoly, could that power still be exercised by the persons to whom the management of their trade might still be confided?—Yes; I think as regarded the Chinese it might be; because I think their influence, from the magnitude of their trade, would continue, supposing their trade existed to the same extent, with the exception of its not being a monopoly.

6154. This power of stopping the trade of the country ships does not arise out of the great trade of the East-India Company, but out of the law and the act of the Indian government?—Yes; it is an agreement between the government in India and the owners or agents of the country ships, that they shall be subservient to the Company's orders and regulations as soon as they arrive in China.

6155. Supposing there were no East-India Company trading to Canton, would it be possible for the government in India to require to have this bond executed in respect of the country ships, and to give some person at Canton the power of stopping the trade?—I consider that state of things would so completely alter the British trade between India and China, that it is impossible for me to form an opinion upon the subject.

6156. Will you explain more particularly the points which you conceive the East-India Company, by the peculiar advantages of its constitution, has been enabled to carry with the Chinese government?—I think the probity of their dealings, the magnitude of their trade, the confidence which the Chinese have for such a long period of years reposed in every act of the East-India Company there, have given them a very powerful influence with the Chinese over the trade; they have frequently, when exactions have been attempted to be imposed on the trade, averted them by the firmness of their servants in China and general influence with the Chinese; and also in cases of homicide, they have induced the Chinese to give up points which would otherwise have been attended with the most vital consequences.

6157. Have the ships of the United States, or the other countries trading to Canton, been subject to exactions of that description which have remained unredressed?—All foreign ships have from time to time been subject to some vexations; and whenever the East-India Company have got theirs removed, the other nations have frequently benefited by the same, when the question bore on the foreign trade generally at the port of Canton.

6158. You conceive no exaction upon the ships of the United States or the other countries has been redressed, except through the intervention of the East-India Company first securing and obtaining a similar redress?—Not at all times; some minor points have, I believe, been occasionally obtained by the Ameri-

cans and others by their own representations; but the very 24 June 1830.
important ones, which the East-India Company have certainly
been the means of obtaining by the firm representations of Sir
their servants, could not, I am persuaded, have been gained J. B. Urmston.
by the Americans or others at Canton. The East-India Company have generally taken the lead, if it was a case in which their trade as well as others has been concerned.

6159. Do you mean that the East-India Company has interfered professedly on the behalf of other countries, or merely that from having obtained redress for themselves, redress has of course followed in the case of others?—They have never applied for redress for other nations alone, but it has sometimes been considered a measure of equity and justice on the part of the Chinese, that what they gave to the Company they would equally give to the other nations. The Company have never interferred for other nations alone by any chance that I am aware of.

6160. Are you aware of any instance in which a grievance, not common to the East-India Company and to the traders of other nations, has, in consequence of being deprived of the advantage of the East-India Company's representations, remained unredressed?—I do not immediately recollect any case in point, but I believe it has sometimes occurred; I cannot say that I remember any particular case in the course of my long residence there; I might perhaps quote one instance where the friendly feeling of the English was useful to other foreigners. I allude to two Russian ships that visited Canton some years since.

6161. State the circumstances of that case?—Those two Russian vessels went to the port of Canton after a voyage of discovery, for the purpose of taking on board a cargo of China produce for Russia; but as the Russians had never been accustomed to trade in the port of Canton, but to carry on their trade between China and Russia over land from the frontier of China, the Canton government in the first instance refused them cargoes, but soon afterwards allowed the ships to load, and made their reference on the subject to the court of Pekin; before that reply returned, the Russian ships had sailed by permission of the Canton government. Soon after their departure an edict arrived at Canton from the court of Pekin, addressed to the Russian ships, and that edict was presented to the President of the Company's factory, with a request that he would forward the same to Russia, the purport of which edict was forbidding the Russians to trade to Canton. During the stay of the Russian ships at Canton, they received every assistance and attention they required from the British authorities, without, however, the British authorities in any way whatever interfering in the public question between the Chinese govern-

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ment and the Russians. I have little doubt but this attention and assistance on the part of the English towards the Russians had a good effect in inducing the Canton government to allow them to load teas. I should observe, that the Russians were the Emperor's vessels, and not private ships.

6162. This was as far as you know, the only instance in which Russian ships came for the purpose of trading to Canton?—The only instance of the kind within my knowledge.

6163. Were the Factory at all surprised that the Canton authorities gave them permission without waiting for the opinion of government?—The Canton government was not, strictly speaking, justified in doing it, but they did it upon their own responsibility, and as we heard nothing about it afterwards, we supposed it was approved by the court of Pekin.

6164. Were the British Factory at all surprised at the Canton authorities taking upon themselves to decide this question?—We were somewhat surprised; but the provincial government at the same time took upon themselves considerable responsibility: the Canton government, however, are possessed of extensive powers, whenever they think proper to exercise them.

6165. Do they invariably attend to any instructions they receive from the Pekin government?—There are, no doubt, general directions for their guidance, but the officers of the Canton government frequently take upon themselves to act as they see proper; it is in consequence of this that we are so frequently subjected to those exactions and annoyances from the provincial government.

6166. In what way does the influence of the British factory at Canton operate on the Chinese authorities in case of any attempt to establish undue exactions; does it go beyond the power of stopping the trade?—It is, as I have before observed, the general influence of the East-India Company, arising from the importance and magnitude of their trade, which gives the Company that weight.

6167. Is not that to which the Company would be obliged to resort, if the Chinese authorities did not yield to their representation, the stoppage of the trade?—We have frequently ourselves stopped the trade, as well as the Chinese; it was a measure they only formerly resorted to, but of late years we have frequently turned the tables upon them, and stopped the trade ourselves, by which means we obtained the point we required.

6168. Supposing there was no such body as the Company, and that the exactions of the Chinese made it unprofitable to trade with them, would not that stop the trade itself?—This would so completely alter the whole face of the intercourse between the English and the Chinese, it is impossible to give an opinion upon it; the removal of the Company's influence

would be so new a feature, that I cannot judge of what might be the consequences. 24 June 1830.

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6169. Do you think that it is any advantage to the trade of the country ships that their trade should be liable to be stopped at the discretion of the Supercargoes?—I think it is desirable; individuals must frequently suffer for the public good, in China as in other places; ships belonging to private individuals, when their trade is suspended, no doubt frequently suffer loss, unfortunately for the individuals; but it is for the general good eventually.

6170. Is not the existence of such a power a great obstacle to commerce?—No, I think not; it has never been exercised but in cases of absolute necessity, and where the necessity has been most unequivocally and satisfactorily shewn.

6171. If the owners of country ships did not think there existed this necessity, they would then have to suffer without a cause?—I think, where an authority like that of the East-India Company exists in China, their opinions should unquestionably prevail over those of the private persons connected with the country ships; they are the persons in authority, and are so much the more responsible to the Chinese, consequently their authority should be indisputable over ships carrying the British flag.

6172. Do the Company abstain from purchasing that inferior description of tea which the Americans purchase, either for their own consumption or for other countries?—Yes, they do.

6173. Is not such tea cheaper than the lowest description of teas the Company sell here?—I believe it is; but every thing depends on the real quality.

6174. Do you suppose that which is used in England by the poorer classes as tea, and for which they pay the Company's prices, is really that plant?—Yes, certainly; that imported by the East-India Company.

6175. If, however, in point of fact, a great adulteration of tea takes place in this country by a mixture of other leaves, would not such inferior description of real tea which the Americans purchase be superior in quality to such adulterated mixture? —That I am not prepared to answer; the teas referred to in my former answer I considered as those sold at the Company's sales, and not teas which might be adulterated in this country afterwards.

6176. Supposing the adulteration to take place; if the poorer classes are now ready to buy adulterated tea at the Company's prices of real tea, would they not be equally ready to buy real tea, though of a low quality, if they could get it at a lower price?—It is impossible for me to judge of the tastes of the inferior orders of people in this country as regards tea.

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6177. Are there not instructions from the Company never to purchase that inferior sort of tea?—Distinctly; we never purchase that sort of tea which is alluded to in the question; I mean tea of bad quality.

6178. Do the Chinese make any distinction between foreign nations trading to Canton in point of duty?—None whatever; the nominal imperial duties are the same; the duties levied on the articles of import and export are the same in respect of all nations.

6179. In case of any difficulty arising in the American trade, how is the representation of the Americans conveyed to the authorities in Canton?—The Americans have a consul there; he is, generally speaking, a complete cypher—I mean in his public and official capacity; the representations have generally been from the individuals, and they have been managed by the Hong merchants.

6180. You stated that the influence of the East-India Company arose entirely from the extent of their dealings?—In a great measure, and the strict confidence the Chinese place in the Company upon all occasions.

6181. What reason have you to suppose that influence would not be equally powerful, whether that influence was managed by a consul appointed by the King's government, or by the Factory appointed by the East-India Company?—I think that the case would so completely change the whole system of British commerce in China, that I feel a difficulty in answering the question; I do not think it possible that an individual in the capacity of a consul could do this.

6182. Why could not the interests of the British be managed by a consul, or some person under the authority of the King's government?—He might manage the mere interests by representations to government, but he could not manage the commercial transactions.

6183. Would not those representations be of equal weight with the representations made by the servants of the Company?—I should say not, most decidedly.

6184. Will you state your reasons, supposing that that person, whoever he was, was invested with equal authority with that possessed now by the Company's Factory, with respect to the British Factory in the port of Canton, the East-India Company's trade existing, but without a monopoly?—I should consider upon that occasion, that in all embarrassments and all discussions with the Chinese government they would still look to the trade and not to the consul; the Chinese cannot enter into the particular question of the exclusive political charter granted to the Company, they look to the Company's servants and the trade generally; and I feel perfectly satisfied they would

treat the consul almost as a cypher, and always refer to the Company's servants and trade, and not to the consul.

6185. As they do with respect to the consul of the American government?—Precisely in the same way; I do not think a consul would have the slightest weight or influence with the Chinese.

6186. Supposing the trade carried on by the Company at Canton were diminished by the removal of the present monopoly, do you apprehend that the influence of their servants would remain as powerful as it is now?—I think to a very great extent it would; as long as they were known to have a trade there, though not a chartered trade, their influence would prevail to a very considerable extent; nor could the Chinese easily be brought to forget the importance of the Company and their influence, though their trade might be somewhat diminished.

6187. Though they saw that, in point of fact, the Company no longer exercised any authority over the British ships trading there?—Yes, I think they would appeal to the East-India Company there, because of the trade being a tangible object; they would stop the Company's trade as they do now; they would not discuss the matter with the consul; they would stop the trade, beginning with the East-India Company's, no doubt.

6188. Do you not think they would have the same disposition to act with the King's representative as they have with the representative of the Company?—I do not think a consul would have the slightest weight or influence with them.

6189. That they would not pay the same respect to the King's officer as they do to the Company's servants?—They might pay him mere personal respect, as being appointed from the crown of this country.

6190. Did they not, in the case of Admiral Drury, object to treating with him, because he was not the King's representative?—I was not in China during the time of Admiral Drury being there; I was in England.

6191. Do you conceive that the Americans suffer any inconvenience or injury in their commercial concerns from not having an establishment similar to that of the East-India Company?—I do; I think they are liable to a great many commercial inconveniences at Canton, from their want of unanimity amongst themselves, and want of unity like a public body.

6192. What proportion of the American trade is managed at Canton by agents?—I am not able to answer that; the American trade has been conducted by private individuals there, and I am totally ignorant of their arrangements in this respect.

6193. How many commercial agents are there at Canton?—I do not know; I do not exactly recollect. When I left China three years ago, there must have been resident there ten or

24 June 1830. a dozen American private agents, and eight or ten British private agents. Very many other British agents, however,

Sir J. B. Urmston. are passing the whole year in ships to and from India, or they may stop the whole year round, the Company have never in the slightest degree impeded them; I refer to agents who came round to manage their concerns from our various ports in India, &c.

6194. Can you state what proportion of the country trade, and the trade of Americans and other merchants, is conducted by supercargoes, and what proportion by agents?—I cannot answer that, not being aware of private arrangements connected with the country ships. Sometimes the private ships are consigned to resident agents in Canton; at other times an agent comes with them, transacts the business, and returns in the ship. But there is no rule at all; it is according to the private arrangements of the parties concerned.

6195. Do you think that the power of stopping the commercial intercourse with the Chinese would be as safely entrusted to the consul, who would himself have an interest in the trade, as it is with the factors of the East-India Company, who, if they stop for others, must likewise stop their own, and so impose upon themselves a material inconvenience?—I do not think the consul would be of the slightest use to the trade as long (as I have observed before) as there is a great combined commercial body trading there.

6196. Must he have influence if he had the power of stopping the trade?—I should imagine his influence would be but trifling.

6197. Do you apprehend that the influence possessed by the East-India Company, and the extent of their dealing, with the confidence their probity has inspired in the Chinese, enable them to obtain their teas at a lower cost than the Americans? —With regard to the price I cannot say; but they are unquestionably enabled to obtain better teas; they have the command of the tea market, and the choice of the market over that of other nations at Canton.

6198. Therefore, in trading at Canton, they have a decided advantage over other nations?—I think they have decidedly so.

6199. Are you of opinion that the East-India Company, without the monopoly, would still, as a chartered company, conduct their trade at Canton to advantage?—Most assuredly they would, as a combined commercial body, provided the trade was conducted on the same principles and in the same manner as it is at the present moment. I am viewing this question as one between the Chinese and the East-India Company, not as between the East-India Company and the private individuals in this country.

6200. Has the export of British manufactures to Canton been upon the whole profitable?—For some years past, I believe, quite the reverse. I refer to the Company's principally.

6201. Is it less profitable now than it used to be?—Less than some few years back, certainly.

6202. Are you aware that the price of British manufactures, especially cottons and woollens, has considerably diminished in the last few years?—Yes, it has; but the price has been diminished also in China.

6203. Are you aware that the reduction of price in China has not been in proportion to the reduction of price here?—No, it has not.

6204. Notwithstanding that, has the export of woollens become more unprofitable than it used to be?—It has.

6205. To what do you attribute that?—I attribute it to that which perhaps is not generally very well understood in this country; the resources the Chinese possess in their own manufactures of silks and cottons, which answer their purposes at all seasons of the year and for every class of life. And I should add also, that I think, as far as my information enables me to judge, that China, generally speaking, is in a much more impoverished state as a nation than it was even twenty years ago. I go on such general information only as I collected in China. I think these are some causes, added to the markets being overstocked with British manufactures, why such commodities have not gone off so well in China of late years.

6206. If British manufactures are forty-five or fifty per cent. cheaper than they were twenty years ago in England, and there has been a great reduction in freight and charges, how do you account for the export of British manufactures being less profitable than it used to be?—I can only account for it from this, that the Chinese do not require our manufactures as they did formerly.

6207. The measure of their demand is the price they are willing to give, and we know that they now give a price smaller than that they gave before, but not diminished in proportion to the diminution of the price of the British manufactures in England?—I should say that arose from the Chinese not requiring our manufactures so much as they formerly did; I do not think that the price has any thing to do with it as the want of demand.

6208. Have the prices of their own home-made commodities diminished?—No, I fancy not; I believe they are about the same prices, so far as my information enables me to judge, as they formerly were.

6209. Does it come within your knowledge that the Chinese manufacture a larger quantity of goods than they used to do?—Of cotton goods of their own I have understood they do.

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6210. Have there been any duties taken off their own manufactures, to your knowledge?—I cannot speak to that point.

6211. Do you know of any instance in which the American consul has had recourse to the influence of the Factory with the Chinese to remove obstructions in the way of Americans carrying on their trade?—I am not aware of any.

6212. Are you aware of any particular instance in which the American consul has himself made representations to the Chinese authorities?—There have been frequent cases where, I understand, the American consul has made representations to the Chinese government, and has sometimes obtained redress, and sometimes he has not.

6213. It appears by the paper No. 11, page 21, of the papers before the Committee, that the price of superfine Spanish striped cloth exported in the season 1813-14 was £26. 7*s*. 11*d*.; the sale price of that at Canton in 1814-15, £28. 12*s*. It appears that the price of the same cloth in 1828-29 was £11. 0*s*. 2*d*; the expected sale price in Canton in 1829-30, £17. Can you explain why the export of that cloth should be less profitable now than it was in the year 1813-14?—I rather suspect, as far as my recollection leads me, that that was an experimental consignment at the time it was made, but which proved unacceptable to the Chinese, and consequently the price became reduced?—I think it was an experimental consignment, but found not to answer.

6214. It appears that the price of long ells in the season 1813-14 was £2. 7*s*. 2*d*., and the sale price at Canton in 1814-15, £2. 10*s*. The price of long ells in 1828-29, was £1. 13*s*. 11*d*., and the expected sale price at Canton, £2. 2*s*. 8*d*. Does it not appear from that statement, that the export of long ells must be much more profitable now than it was in the year 1813-14?—I can only answer that question in the same way I have done others on the same subject, that I am persuaded there is much less demand for our woollens in the present day at China than there was formerly.

6215. Has any quantity of long ells remained on the hands of the Factory?—Formerly, some years ago, when the Company exported a very large quantity, there was frequently a great quantity remaining in the hands of the Company; but of late years the exportation of long ells has been so reduced they have generally been sold off on their arrival in China.

6216. To what do you attribute the diminution of demand for woollens in China?—I really conceive that it is because the Chinese do not consume our articles as they did in former years, and that the markets have been overstocked.

6217. How do you account for that?—It is very difficult, except that they do not actually require them; they have found

their own manufactures answer their purpose as well, with a less cost to themselves. 24 June 1830.

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6218. Are woollen manufactories carried on in China?—No; but they have the cotton and silk, which answer their purpose.

6219. Do not the higher ranks wear woollens?—No; if they wear any of our manufactures, it is camlets.

6220. It appears from the statements read to you from these returns, that in the year 1813-14 the long ells exported from this country produced a rise in China beyond the price paid for them in England of 2*s.* 10*d.*, and that the long ells exported in 1828-29 were expected to produce a price in China beyond that paid in this country of 8*s.* 9*d.*; can you state how, under those circumstances, the export of long ells can be less profitable now than it was in 1813-14?—No; I am not aware of the circumstances.

6221. Has there been any import of goods in competition with ours into the port of Canton of late? — The Americans have imported them.

6222. In what respect are their articles preferred to ours?—I do not think their articles have been preferred to ours by the Chinese, but from such an additional quantity being thrown into the market, the market has become overstocked.

6223. In the same articles do the Americans undersell us?—Yes; but there is one thing I might probably be allowed to state; the Americans were in the habit at one period, in China, of introducing a quantity of camlets, for which they did not pay the regular duties, but either smuggled them or passed them off as another article, whilst the East-India Company were paying seventeen and eighteen dollars a-piece for articles of the same description, paying their regular duties publicly; this transaction of course gave the Americans every advantage in the disposal of this article.

6224. That would be only a temporary case; where the duties are equally and fairly paid by the Americans and the East-India Company, is the price of the American camlets or the Company's camlets lowest?—They are the same price; I believe they are the same article; they were sent from Liverpool, as I have understood, and had very much the appearance of the Company's bales, they were so ingeniously packed up and marked.

6225. When the Americans state that they have realised a profit on the export of British manufactures to China, do you apprehend that may be attributed to their having smuggled in those articles and avoided the payment of duties?—I think it is to a considerable extent: I doubt very much the Americans having obtained the advantages which have been stated in the public papers; an American of some respectability assured me,

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before I left China, that so far from the woollen and camlet trade being a profitable one, they were in fact a losing concern.

6226. In what year was that?—In the year 1825 or 1826.

6227. Do the Americans generally do their business at Canton through the Hong merchants, or in what form?—A great deal through the outside merchants.

6228. When a ship drops her anchor, is not security entered into by some one for the good conduct of her crew during her stay on the coast?—Immediately; and she cannot commence her commercial operations till some Hong merchant secures her.

6229. Is there any greater difficulty experienced by the Americans, whose trade is free, in finding such security, than is experienced by the East-India Company's ships?—Most certainly; the Americans have frequently had difficulty in obtaining a security merchant for their ships.

6230. To what do you attribute that difficulty?—The natural aversion which every Chinese has to become responsible for the act of any ship, but above all a private one.

6231. Why should that operate to a greater extent with the Americans than with our ships?—Because we have entered into an agreement; there is an understanding between the Company's representatives and the Hong merchants, that the Company's ships shall be secured by the Hong merchants in rotation as they stand upon the list.

6232. How is that applied to the country ships?—The country ships are secured generally by an arrangement between the agents or the parties belonging to the country ship and any particular Hong merchant through whom they may sell their investment; that is a private arrangement entirely.

6233. Do country ships find greater difficulty in getting security than the Company's ships?—Sometimes they have a difficulty, but not very frequently.

6234. Is there any difficulty at all when a ship is consigned to a private agent?—Not so much if he is an established agent of respectability in Canton, of which there are now several.

6235. The question refers to country British ships; is there a greater difficulty experienced by a British country ship in gaining security than by an American free-trader?—I should say distinctly that the difficulties are less with the country ships, from the circumstance of their being British country ships; for they know that those ships are under the authority of the Company's representatives.

6236. Do the Dutch carry on any considerable trade in Canton?—When I left China there were four or five ships from Holland, of about four or five hundred tons each, I believe.

6237. Do they trade under any chartered company, or are

they running ships?—Originally they traded entirely under a chartered company (the Dutch East-India Company); during the war that trade was annihilated, and the Americans became the carriers of that trade; at the conclusion of the war the Dutch appeared again; there were some private ships, others were sent out by an establishment, a body called in Holland, I believe, the Dutch East-India Company, or the Dutch Company; but I have heard so little about it that I am not prepared to answer the question distinctly, as regards this new Dutch Company; but formerly they traded as a public chartered body for many years.

6238. Supposing the trade of the East-India Company with China became at liberty, do you conceive there would be greater difficulties attending the private trade in finding security for the good behaviour of the crews of the shipping than is now experienced under the present management of their trade?—I should say so distinctly; private individual ships, or private traders, would have very considerable difficulty in obtaining security of merchants for themselves in China.

6239. What is the export generally of the Dutch ships to China?—Dutch camlets has been their principal article of export.

6240. Is their trade an increasing trade, or diminishing?—I have not heard for the last three or four years much about the Dutch China trade.

6241. Are those camlets of a quality superior to those imported by the East-India Company?—The Chinese at one time preferred the Dutch camlets; but latterly our manufactures have been so much improved that I believe the Chinese give the preference to our own; at all events, they hold them in equal estimation with the Dutch camlets.

6242. What has been the import cargo into China by any other ships?—The Spaniards have very rarely visited China of late. The Portuguese trade is confined strictly to the little colony of Macao, which they have in China. Their trade almost entirely consists of opium, between Bengal and Macao.

6243. Have there been any French ships?—Yes; they brought principally wines, and articles of that description, and returned with an assorted cargo of teas, and silks, and china-ware; a general assorted cargo, in fact.

6244. Did you hear whether the import of wines was profitable?—The wines were profitable to a small extent; they were not bought by the Chinese, but by Europeans resident in China. They brought money principally for the purchase of their homeward cargo.

6245. Has there been any Danish or Swedish ship?—A

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Swedish ship has not been there for many years; a Danish ship arrived, I think, the year I quitted China.

6246. Do you think wine would be a profitable article in the China market?—No; quite the reverse. The wine by the French ship was bought up by the Europeans, being a superior article, for their own drinking; the Chinese do not drink it.

6247. Do you apprehend, if there was a much greater demand for tea, that tea could be furnished by the merchants of equal quality?—In the course of years; but I think for the first few years there would be a considerable difficulty in their getting a sufficient quantity. The demand must become gradual, and regular, and established; then possibly they might increase the growth of their teas, but it is by no means certain.

6248. During the last fifteen or twenty years there has been, has there not, an increased demand to the extent of five or ten millions of pounds, on the part of foreign merchants trading to China altogether?—There has been an increase, but that has chiefly arisen on the part of Great Britain.

6249. Has that great increase produced a deterioration of quality, or an increase of price?—As far as the Company's investment goes, I do not think that it has made any difference in the quality of their teas.

6250. Has it in the price?—No, I think not.

6251. Then in the course of ten or fifteen years an additional quantity of five or ten millions of pounds of tea having been exported from China, has that been, so far as you know, without any deterioration of quality of that increased quantity of teas which has been furnished to the East-India Company, or any increase of price?—Yes, without any deterioration in quality; but I consider that it has arisen solely from the extreme care, vigilance, exertions, and attention of the East-India Company's servants in China, that the additional quantity of teas, so stated to have been imported, was not of a deteriorated quality.

6252. Will you turn to the Account No. 11, in page 21, to which you have been before referred; what description of cloth is that stated to be superfine Spanish striped cloth?—It was, I believe, sent out to China the year after I quitted Canton; I do not remember to have seen it, but I understood it was an experimental concern; I know the circumstance of its having gone out.

6253. Were not you in Canton in 1813-14?—I was, but it did not come under my eye; I have no recollection of having seen it.

6254. It appears that the quantity of that particular article of cloth has increased between 1813-14 and 1828-29 nearly double; is the demand for that description of cloth increasing in China?—Certainly not; I should say decreasing.

6255. Then how do you account for the fact of a greater quantity having been sent to China in 1828-29 than in 1818-14? —From the anxiety of the East-India Company to forward the exportation of British manufactures as much as in their power was possible.

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6256. Do you attribute any part of the decrease of price to the market being overstocked in China?—Almost entirely to the market being overstocked, as I before remarked.

6257. Have you any reason to think that the supply of tea of a superior quality sent from the tea country to the market of Canton, is below the demand that there is for that species of tea?—Most distinctly; the East-India Company have frequently had considerable difficulty in getting the better kind of teas.

6258. You think that there is a species of tea, the supply of which is so limited, that, after the East-India Company have been furnished with the quantity they required, the Americans, if desirous of procuring it, would be unable?—They would be perfectly unable to obtain it.

6259. Do you know, or have you heard, of any instance in which the Americans, being able to procure a superior sort of tea, have chosen an inferior description, as finding it more profitable?—No, I am not; I am not aware of the circumstance.

6260. If, however, it should be the fact that, having an opportunity of making such a choice, they have chosen the inferior description, how would you account for that fact?—It must be from their own commercial arrangements, which I cannot be aware of.

6261. Is not the sort of tea to which your late answer had reference principally black tea?—Souchong and green teas, and the better sort of congo.

6262. Has not the demand for green tea in the English market considerably diminished of late years?—I am not aware of the state of the English market.

6263. You were in China in the years 1818-19 and 1819-20? —I was.

6264. It appears in the Account No. 32, that in the year 1818-19 the Company exported from China 21,085,860 lbs. of tea, and in the following year 28,476,231 lbs.; are you aware whether any difficulty was experienced in obtaining that increased supply of more than seven millions of pounds of tea required in one year, and whether the price rose in proportion to that increased demand?—The Company's servants, if I recollect rightly, had considerable difficulty in obtaining that additional supply at that period; with regard to the prices, I have no immediate recollection of them.

6265. It appears that in the year 1825-26 the Company exported 27,821,121 lbs., and in the year 1826-27, 40,182,241 lbs.

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of tea; are you aware whether any difficulty was experienced in obtaining that increased supply of more than twelve millions of pounds of tea in one year?—They had, if I recollect, very great difficulty in obtaining that additional supply.

6266. Are you aware whether the price was increased in proportion to that increased demand?—I am not.

6267. Does considerable adulteration of tea take place between the time of its leaving the place of its growth and Canton?—No, I believe not; and most certainly not in the Company's teas.

6268. Not any mixture?—No, I believe not; certainly not in in the Company's.

6269. Are you able, from your acquaintance with China, to assign any reason why the supply of a superior description of teas is unequal to the demand?—I can only account for it from the deficit in the growth, that there is not sufficient of it; the Chinese, perhaps, have not sufficiently attended to an extended cultivation of it.

6270. Has there been any additional tax imposed by the Chinese government affecting the growth of tea?—Not to my knowledge.

6271. How long does it take, in the culture of the plant, to bring it to that state to produce the teas?—I have understood from intelligent Chinese that it takes about three years, generally speaking; but I believe it depends a good deal on soil and locality, and other circumstances.

6272. When the demand for tea has been so greatly increased, has the Company been obliged to purchase teas of a very inferior quality?—They have sometimes been compelled, when they could not obtain teas of a better sort, to make up the additional quantity with teas of a lower quality than that termed the contract quality of teas; but they have always been exceedingly cautious and particular in the quality of their teas.

6273. Can you state whether, in that year in which the demand of the Company increased to an extent of more than twelve millions of pounds, the whole of that additional quantity consisted of inferior tea?—I have no immediate recollection of the quality which comprised that additional quantity. I should think part of it must have been of superior quality, but I have no distinct recollection at this moment.

6274. Do you know whether any part of that increased supply was brought from the remoter parts of the country?—No, certainly not; it was all brought from the usual tea country.

6275. Is the tea which is furnished to the Russian commerce, furnished from the same parts of the Chinese empire with the tea that comes down to Canton?—That is a point we have never been able distinctly to ascertain; but, from all my information,

I am led to believe that the teas sent overland to Russia are partly obtained from the tea countries from which we get our supplies, and partly from another province from which we do not get our supplies. 24 June 1830. Sir J. B. Urmston.

6276. Can you state whether, upon the whole, the cultivation of tea is on the increase or stationary in the provinces?—I cannot.

6277. Have you been able to ascertain what increase of price is necessary to cover the cost of the conveyance of a pound of tea from the most distant province to where it is conveyed to Canton?—No; I am not able to answer that question.

6278. Have you ever heard the original price of tea in any of the provinces in which it is produced?—No, I have not; it passes through so many hands, and there are so many expenses attending it, that it is difficult to arrive at that fact, limited as we are in China, in our means and channels of information.

6279. Do you know whether the tea purchased for private consumption in China is purchased at a cheaper rate than that which you pay for it?—I am not exactly aware of that.

6280. How many years does the tea plant continue to thrive?—I have heard it variously stated; some say ten or fifteen years; it is merely a mattter of opinion with me, from my general information on the subject.

6281. Can you at all account for that extraordinary increase of twelve millions of pounds, which appears to have taken part in the export of tea from 1825-26 to 1826-27?—I can only account for it from a greater demand for it in this country; I am not aware of the particular circumstances attending it.

The witness is directed to withdraw.

WALTER STEVENSON DAVIDSON, Esq. is called in, and examined as follows:

6282. In what situation were you in Canton?—I was in the situation of a private merchant and general agent. W. S. Davidson, Esq.

6283. Were you in the service of the East-India Company?—No; quite unconnected with the Company.

6284. How long were you there?—Eleven or twelve years.

6285. When did you go there?—I visited China first in the year 1807, and settled there in 1811.

6286. How long did you remain there?—Till 1822.

6287. Whence did you go to China?—From England, by the way of India.

6288. Did you go with a license from the East-India Company?—None whatever. I resided as a Portuguese subject, having obtained from the King of Portugal naturalization, and all the privileges and immunities of a Portuguese subject, while residing at Macao.

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6289. Did you go out in a Portuguese ship?—No; I went out in an English ship.

6290. Having first made yourself a Portuguese?—I could not make myself a Portuguese subject in England, but merely possessed that privilege in China. I indemnified the captain of the English ship on which I embarked against the penalty to the East-India Company, provided he should be obliged to pay it.

6291. It was on your arrival at Macao you obtained naturalization?—No; I obtained the credentials of naturalization in London, before going out.

6292. Is that a thing to be purchased?—No; it did not cost me one shilling; it was obtained for me by the English ambassador then at the court of Brazils.

6293. Did you act as merchant for yourself, or as agent for others?—In both capacities.

6294. Did you act extensively as an agent?—Very extensively.

6295. In the conduct of your business, did you derive advantages from the existence of the East-India Company, as a great trading company at Canton?—Certainly; I should have been exceedingly sorry to settle in Canton but for the power of the Company, in some measure at least, to protect British commerce, and, consequently, that commerce which I conducted.

6296. State the particular manner in which you conceive you derived this advantage from the East-India Company's influence in China?—I derived advantages, in common with all other foreigners, I may say, from the circumstance of a powerful body like the East-India Company possessing important influence, in consequence of their great character and extensive trade.

6297. In what manner was that influence exerted so as to benefit you?—It was never actively exerted so as to benefit me, and it would have been quite in vain for me to have asked them to do so; but it was exerted, I conceive, in favour of all British trade, and as almost all the trade I managed was British, although I could only reside in the capacity of a foreigner, I derived advantages in common with all others who managed commerce of the same description.

6298. What was the particular nature of the advantages you derived, and in what manner did you derive them?—I am at a loss to detail in what manner I derived them, although highly sensible of their existence.

6299. Do you consider that the influence of the Company was in any way a counterpoise to the influence of the Hong?—Most decidedly so; a most invaluable one; indeed I consider that had it not been for the existence of the Company in China, the British trade could not have been carried on.

6300. State your reasons for entertaining that opinion?—Because the exactions, the oppression, and injustice of the Chinese government are so great, that I conceive no individual would be foolhardy enough to hazard sending his property on shore in that country, but from the knowledge that a body like the East-India Company is there to countenance it. 24 June 1830. — W. S. Davidson, Esq.

6301. Will you state any specific exaction which the Chinese government attempted to carry into effect, and which the Company successfully resisted?—In the year 1814 the Chinese government attempted to make the Hong monopoly more close than it had ever been before; and had not the East-India Company's authorities resisted upon that occasion, it is impossible to say the lengths to which the Chinese would have gone in taxing both the imports and exports at their own capricious pleasure, and, consequently, in diminishing the profits and increasing the hazard of enterprising individuals.

6302. Do you consider that a diminution of the number of Hong merchants acts as a tax on imports and exports?—It enhances the power of the remaining merchants so much that it is most likely to produce that effect; indeed, I might say, the certain result.

6303. Are not the Hong merchants, in fact, agents for the sale of the tea furnished by the tea merchants in the interior?—Avowedly they are the principals; but they may be, and no doubt are, on many occasions, merely the agents of a tea transaction.

6304. Is it consistent with your own knowledge, whether they are actually to any great extent dealers in tea as their own property, or agents for the sale of teas belonging to others?—I should think in a great many instances merely agents, because in my time the Hong was principally composed of men in bankrupt circumstances, who possessed in reality no property whatever.

6305. In as far as the Hong merchants acted as agents for the sale of the property of others, must it not have been their interest to extend the trade?—Certainly.

6306. Would not any exactions imposed by them have had the effect of diminishing instead of extending the trade?—Certainly; and that is one of the absurdities which is practised every day in China, as well as in this country, and in all countries indeed.

6307. Have any exactions, within your knowledge, been recently enforced by the Chinese government?—It is now between eight and nine years since I quitted the spot; and of course, from that period, I have only information by the report of others.

6308. Have the goodness to speak to any fact within your own immediate knowledge during the time you were in China?—If I am to speak to grievances, there are many; they attempted

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to take away our servants; at one time they resisted the valuable right of communicating in the Chinese language, which the East-India Company gained, after a great battle; they attempted, I think, to prevent the passage of letters and persons from Macao to Canton; they exacted fees on trifling articles of baggage at Canton, and so forth.

6309. What was the amount of those fees?—Trifling.

6310. Did they, during all the time you were in China, attempt to impose any new duty on the import or export of any article of merchandize?—During my whole experience in China, which was very extensive, I never had occasion to know any thing whatever respecting the details of duty, either on the inward cargo or the outward.

6311. Being an agent at Canton, how did you manage to avoid the obtaining that knowledge?—The Chinese merchant manages all that, and the European need not necessarily know any thing of it. The prices given for the commodity are such as enable the Chinese merchant to pay the duties on the inward cargo; and the prices demanded, or charged, on the outward cargo, also embrace the duty, for which the Chinese lander and shipper is alone responsible.

6312. Were not you called upon to pay duties on the ship?—Always.

6313. Were those increased?—No, I think not; at least I do not recollect any increase of that nature.

6314. Were not those alterations which the Chinese appear to have been desirous of introducing rather of a vexatious than of an onerous character?—Decidedly; but the knowledge which the parties who reside in China acquire of the Chinese government quickly teaches them, that if they do not resist encroachments in the commencement, resistance soon proves to be too late, and they would become intolerable.

6315. In what manner did the Factory of the Company proceed to resist those innovations?—In the year 1814 the chief of the Factory stopped all British trade.

6316. That was on the attempt to diminish the number of servants, was it not?—Yes; that may have formed part of our many grievances.

6317. In what manner did they resist those innovations you have referred to?—The only stoppages of consequence that I witnessed were those of 1814, and one in 1821, which took place upon the occasion of loss of lives, in the affair of the Topaze frigate.

6318. Were those innovations, as to the conveyance of letters, and with regard to servants, and so on, resisted successfully, or submitted to?—They were resisted firmly, vigorously,

and successfully, by Mr. Elphinstone, the then chief, and the Committee, and as I conceive, most judiciously so. 24 June 1830.

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6319. In what manner were they resisted?—By a stoppage of the trade till the Chinese gave way.

6320. As regarded the servants, or the landing of luggage, and the letters and so on, was there a stoppage of the trade for those innovations?—I understood the question to allude to the principal grievance, which was in regard to the co-Hong; but when the trade is stopped for a great grievance, the opportunity to tack on others that may exist is too good to let pass unprofited by.

6321. Were all those grievances before 1814?—They had existed before in some measure, perhaps, but it was then they became intolerable, and called forth firm resistance.

6322. Where no other grievances existed than those little ones, is any attempt made to resist them, or are they submitted to?—The East-India Company's servants in China are of course very sorry to stop the trade, because the experiment costs them dear, in the demurrage of vessels and other contingent expenses.

6323. Can you state what proportion of the trade of the Americans or the country trade is conducted through agency, and what proportion is conducted through supercargoes?—Indeed I cannot. I have but a vague idea of the matter, and it is, of course, a proportion constantly fluctuating.

6324. Do the Company usually deal through the medium of bankrupt merchants of the Hong, or the solvent?—All the merchants comprising the Hong have a share or shares of the business; the Company consequently deal with each of them according to the extent of the share or shares they hold respectively.

6325. In your opinion, was any advantage derived by you from the circumstance of trading through bankrupts?—Very great indeed in my time; I often selected bankrupts to deal with, because I very seldom could deal with the merchants on fair terms. Some of them were satisfied with the certain profits on the Company's business, and did not covet other business very much.

6326. State the advantage, in your opinion, from dealing with a bankrupt?—They gave much better prices; and too often, I suspect, they gave higher prices than they could afford to do in the actual state of the markets.

6327. In what manner did you conduct your business when you conducted it through an insolvent?—Precisely as I should have done had I dealt with a solvent merchant; they held the same rank, and conducted their business in the same manner.

6328. Did you contract with them for what you wanted?—Frequently.

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6329. Did you trust the money in their hands, they being insolvent?—Constantly, and in very large sums.

6330. Were the other Hong merchants answerable for them? —I do not call to mind an instance in which I ever made a rich Hong merchant responsible for a poor one; but I believe it has been done.

6331. Then, in fact, no person was responsible for those bankrupts with whom you dealt?—No person whatever; but I knew that they had shares in the Company's business, and I felt assured they would be able to pay me, which they were; I do not think my constituents often lost in consequence of that system.

6332. On what circumstance was that assurance of yours grounded, if those bankrupts had no money?—I think I stated, because I had confidence in their connexion with the East-India Company's business, which was a very profitable one to those merchants.

6333. Did you trust to those persons to make contracts with the teamen, or did you make your own contracts with the teamen, using the names of the bankrupts to cover the transaction? —I do not think I ever made a contract direct with a teaman, or often with an outside merchant, though many of them were respectable; I almost systematically dealt with the Hong merchants.

6334. Do you know to what circumstance it was to be attributed that you obtained your teas at a lower price from the insolvent than the solvent merchants?—The insolvent merchants, having no stake, and being exceedingly anxious to deal, were not of course so scrupulous about obtaining profits on what they did as solvent merchants would have been; I attribute it to that canse; besides which, when an insolvent man is in the habit of dealing largely, he wishes to continue to go on, or his insolvency will become apparent; for instance, it was only by obtaining possession of a cargo to-day, he was enabled to pay for one he bought last week or last month; it is like accommodation bills in this country; a man depending upon a number of such out, must put others forth when the current ones became due, if he has no real resources to fall back upon.

6335. Do the American merchants conduct their business usually with the insolvents?—A great deal in my time.

6336. Did you understand that they considered it more profitable to do so?—I have no doubt they discovered it to be more profitable to be so.

6337. Can you state why the Company did not deal much more with the insolvent merchants, if it was more profitable to do so?—That of course would have involved a still greater credit than they gave them; and the servants of the Company, knowing their actual state, would of course not be disposed to do so.

6338. If the servants of the Company were not disposed to

do so, why should it be so?—The reason that I and others did this, with security ultimately, in so many cases was, because the insolvent part of the Hong derived great advantages from their sharing the East-India Company's trade. If the East-India Company had found it convenient or safe to deal equally with them as with the others, very likely they would not have become insolvent, but might have acquired wealth.

6339. If their dealings with the East-India Company were not so advantageous as to make them rich, what advantage did they obtain in their transactions with you?—The East-India Company's dealing might not be such as to make them solvent; but if the East-India Company had not dealt with them at all, neither I nor any person would have done so; and it was only on the ground of their having a share, though a small one, of that trade, that we had confidence to deal with them; it was a bad system, and I have understood it has been declining by degrees since I quitted the country.

6340. Do you mean as to dealing with insolvents?—As to having in the Hong men notoriously insolvent.

6341. If it was so advantageous to you, how has it been discovered since to be so bad and ruinous a system?—Because by degrees the insolvent Hong merchants, notwithstanding the countenance of private dealers like myself, would, in course of time, become insolvent, and when they did so, were frequently indebted to the East-India Company; consequently that proved what may be termed a ruinous system to them, although individual traders may have escaped; and I stated originally that I seldom lost, or any of my constituents, being as vigilant as possible, as may be naturally supposed we would be.

6342. Did the East-India Company make advances to them? —In the earlier period of my residence in China, largely; in the middle, more cautiously; and latterly they became still more contracted.

6343. Then your engagements with individual merchants have been performed by the advances of the East-India Company? —That is the direct inference, and it has happened so.

6344. So that though it was very advantageous to individual merchants to deal with those insolvent merchants, that advantage was obtained to them through the losses of the East-India Company?—I do not mean to go so far as that; the Company were losers, of course, in proportion as the insolvents were indebted to them at the moment they ceased to do Hong business.

6345. State any other advantages which, in your opinion, were derived from the existence of the East-India Company as a great trading Company at Canton, otherwise than those you have mentioned—their being a counterpoise to the Hong, and their supporting those bankrupts?—I think I have already stated

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that, in the past and present state of non-intercourse between the government of this country and that of China, it would be truly hazardous and rash for any British merchant to settle there, and trust his property in the hands of such an unjust and and extortionate government, without any protecting power to look up to; and therefore so long as the present state of things exists in China, I conceive the East-India Company is a most valuable protection to all British interests; their fleet visiting China every season, consisting of about twenty ships efficiently equipped, and the influence of their resident servants, both from the excellent character they have generally borne and the large extent of property always under their charge, having enabled the British Factory to bestow great benefits on individual British traders, as well as on other foreign traders, in my opinion.

The witness is directed to withdraw.

Ordered, that this Committee be adjourned till to-morrow, one o'clock.

Die Veneris, 25° Junii 1830.

The LORD PRESIDENT in the Chair.

WALTER STEVENSON DAVIDSON, Esq. is called in, and further examined as follows:

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6346. Do you think the existence of the East-India Company as a trading Company at Canton affords any facility to remittances to India or to Europe?—In my time it did in the greatest degree; I should have been otherwise often at a loss; I was in the habit of resorting to their treasury every season; and when it happened that they declined to draw either on India or on England, my constituents and myself were deeply disappointed.

6347. Does not that difficulty of making remittances on the part of merchants trading to the port of Canton result from the circumstance of their not being permitted to make remittances in tea to this country?—Certainly, in a great degree; having no investment to provide for Europe, we could only resort to the East-India Company for a remittance in bills.

6348. Then the difficulty is created by the monopoly of the East-India Company in the article of tea, and is removed only at their pleasure?—Precisely so, as far as regards remittances to Europe.

6349. Do you think the position of merchants residing at Canton would be better or worse, if the trade were open, in-

that matter of remittances?—Much better, if the trade were open and conducted on sound principles. 25 June 1830.

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6350. What engagements did the owners of country ships enter into with the governments of India?—I will speak of Bengal, with which I am far best acquainted. Before sailing from Bengal, the owners of all country ships are obliged to give to the government a bond, in which bond they bind themselves under certain penalties to conform to the orders and restrictions of the East-India Company's representatives in China; and on their arrival in China, the first thing which is done is to receive the instructions of the Committee of Supercargoes with regard to their conduct while in the port.

6351. Do you happen to have a copy of that bond?—It is in my possession, but my papers are not within my reach at this moment. The trade between India and China (that is, the country trade) is a trade of a nature which does not seem to be generally understood in this country, and is merely a trade of sufferance.

6352. Is not all trade a trade of sufferance on the part of the government, which might prevent it if it pleased?—The Legislature of this country has given to the British merchants in India that trade as a trade of sufferance, to be permitted to enjoy it under the regulations of the East-India Company.

6353. The Legislature has given to the East-India Company the power of preventing it?—Yes, I believe so.

6354. Are there any restrictions placed on the exports of British manufactures from India to China—woollens and cottons?—In my time there were; but they have been partially removed of late years, I have been told.

6355. You cannot state the date of the removal of that restriction?—I think I may say within the last ten or twelve years.

6356. Was that restriction removed on any representation made by any merchants resident in India?—I cannot speak from knowledge; but I have very little doubt it was removed at the time the East-India Company ceased to find it much their interest to enforce it.

6357. Do you happen to know whether advantage has been taken of the removal of that restriction from the import of British manufactures into China from India?—I have heard it stated to be so; I have understood that it has been done profitably.

6358. What particular species of manufactures?—I really cannot enumerate them.

6359. They have not been to any great extent?—No, I think not; principally by the officers of ships. I should think not to

29 June 1830. an extent sufficient much to attract the attention of the great houses in India.

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6360. What were the chief articles consigned to you for sale in China by your constituents?—The chief articles were cotton and opium; they formed, I think, upwards of nine-tenths of my consignments.

6361. What were your returns?—Besides the supercargoes' bills on the Indian government, when they drew, I remitted very largely in Sycee silver, the production of China, in tutenag, and many other articles.

6362. Any in dollars?—Sometimes in dollars. We were occasionally compelled to remit in dollars, owing to the difficulty of smuggling the Sycee silver; but never resorted to that mode, I think, when we could obtain the Sycee silver.

6363. The dollar in China is very much beaten and broken, is it not?—Constantly cut and clipped in all directions; it almost ceases to be a dollar when it has circulated in China; there it is weighed as silver; all payments are made by weight.

6364. Is the dollar, in consequence of this beating and breaking, diminished in intrinsic value in China?—The moment the dollar is clipped it cannot be said to diminish in value, because it will be taken afterwards just for its weight in silver, although it be punched and clipped through and through.

6365. When we hear of the exchange at so much a dollar, does that mean the dollar clipped and broken, as it is in China, and so reduced below the value of the good Spanish dollar, or is it in exchange with the quantity of silver which there ought to be in a good dollar?—Yes, precisely so. What is understood in China by a dollar is a piece of silver which contains seven mace two candareens, or seventy-two hundredth parts of one tale, containing a hundred candareens.

6366. Is that the intrinsic value of the dollar as it leaves the Spanish mint?—It has no comparative connection but with other silver; it is paid in China as the weight in silver; and all coins, whether Spanish, or Portuguese, or German, they are shroffed, as it is called, and ascertained to be silver, and are then put together, and the whole mass weighed.

6367. So that the dollar is received by weight, and not by tale?—It is sometimes received by tale; and I will explain this, as it shews the extreme ignorance of the Chinese in matters of that nature. I have had Spanish dollars bearing the head of Charles, the former king of Spain, and I have sold those dollars, and received dollars bearing the head of Ferdinand his successor, coins precisely of the same nature, and I have received from two to five per cent. premium upon the Charles's. When I say the same description of coin, I mean they would be the same in London. The Ferdinands may have been a fraction deteriorated,

as they were coined about the time of the revolution: the Chinese found out their mistake, and ceased to carry on that operation. The Chinese are a people much attached to old customs; and as the people in the interior had been long accustomed to the Charles's, they had an objection to any other, the Spanish dollar being sometimes found very desirable in the Chinese provinces, owing to their want of a current coin.

6368. The shroffs in Canton, and in every part of China, are very attentive to the quantity of silver contained in coins, are they not?—Yes; and very expert in their business. I do not remember ever losing one dollar from my shroffs.

6369. Forgery of money is very rare, is it not?—Very rare; there can hardly be forgery in a country where no paper money exists; where all the gold and silver coin is shroffed, and the money taken by weight.

6370. Except in the importation of cotton, which is likewise imported by the Company, the country trade in no respect competes with the trade of the Company at Canton, does it?—In no respect but in cotton and opium.

6371. Is not the prosperity of that country trade essential to the realization of the funds in Canton required for the homeward investment?—It was, constantly in my time; but it was reciprocal; I was equally anxious to receive their bills as they were to receive my dollars.

6372. So that the Company are interested in the maintenance and extension of the country trade?—Yes. In former days I have bought largely of the pure Sycee silver of China, which we considered to contain ninety-eight parts of silver out of the hundred, and I have paid for it in Spanish dollars, such as I alluded to before, which only contained ninety-two parts of silver in a hundred; consequently the Chinese, for the facility of having that coin to send into the interior, paid six per cent. premium.

6373. Is the Sycee silver to be obtained in any great quantities?—As large quantities as we generally required; but the difficulty was the shipping it; there were periods when it could not be smuggled on board. It is in lumps containing ten tales; not a mis-shaped mass, but cast in a mould, and a very compact mass.

6374. From whence does it come?—From the interior, higher up the country; it is a dump rather than a bar; it comes from their native mines.

6375. What, in your opinion, would be the effect of open trade on the price of teas?—The first effect would naturally be to raise the price, because a number of eager speculators would rush into the market; but there is no reason to suppose that that state of things could continue; ultimately the tea growers

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and the tea merchants would of course be satisfied with remunerating prices.

6376. Do you think there would be any difficulty on the part of the Chinese in furnishing a much larger supply, to the extent of many millions of pounds of tea?—I have always understood not; to any extent that this country could require.

6377. Do you apprehend that the Americans obtain their teas at as low a price as the Company?—I can entertain no doubt of it, now-a-days.

6378. Do you think they obtain teas of as good quality?—In my time I considered decidedly not, nor did they generally seek to do so, as I always understood.

6379. Are teas as good as the best obtained by the Company to be found in the open market at Canton?—Certain parcels may be so, I believe, but certainly not in large quantities so good as the Company's prime contract teas in my time.

6380. Is the difference great in the price of the new and the old tea at Canton?—It is very variable; it will depend on many circumstances. If many new teas come down, and there is but a small demand for them, it will tend to keep down the price of the new teas as compared with that of the old; but if when the new teas come down there are many foreign ships come in, and there is a great demand, the new teas, which will be preferred, will surpass in price the old teas greatly.

6381. The new teas are better than the old?—Yes, I should say decidedly so.

6382. Can you at all estimate the deterioration which takes place in green tea in the course of twelve months?—It will in a great measure depend on how it is packed, or whether it is exposed to air or moisture, I apprehend.

6383. Does exposure injure it?—It loses its bloom; it is much injured by being badly kept. The Chinese have a method, which is constantly practised, of making their old teas look new, by submitting them to an operation which is termed firing, and putting a fresh bloom upon them.

6384. How do they do that?—It is generally understood that while they are exposing them over heat, a substance, some say containing a minute portion of Prussian blue or other such deleterious substance, is sprinkled; but I believe that the substance is not so deleterious as has been thought.

6385. But the thing is done?—Yes, I have understood it is done constantly. Teas are freshened, and those who do not understand them are sometimes thus imposed upon.

6386. They are taken in by the sight, not by the taste?—A judge would discriminate.

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6387. Does that apply to both sorts?—I think to greens, in particular.

6388. Do you consider that the population of China generally is very much interested in the continuance of the trade with this country?—I cannot speak to it generally; but as to the province of Canton in particular, which is a large, populous, and thriving province, I should say it is most materially interested; and, consequently, I should think that the peace of China is in some degree dependent on the continuance of the trade with foreign countries.

6389. It is likewise the interest of government to maintain a trade, is it not; the government deriving large duties from it? —Decidedly their real interest.

6390. Is it not likewise the interest of the Hong merchants? —Beyond all doubt.

6391. Under those circumstances, a very strong interest existing on the part of government, of the merchants, and the people of China, and smuggling existing to so great an extent, do you apprehend any circumstances are likely to arise which could put a stop to that trade?—Yes, I do; and I expect it to happen every year.

6392. Will you state what that is?—I believe there is a line, although I cannot pretend to be able to define it, beyond which the Chinese government will not go in adjusting serious differences, and particularly in regard to homicide cases, with any representative of this country who has ever yet resided in China.

6393. Do you mean that the Chinese government would sacrifice the whole trade rather than not succeed in inflicting on foreigners trading there some particular exactions they might desire to enforce?—I mean that they will one day or other so egregiously commit themselves, that their pride, their arrogant self-conceit, and ignorance will prevent the adjustment of the existing dispute until a negociation is opened direct between the English government and theirs.

6394. Do you mean that this complete prohibition of trade with foreigners by the Chinese government will take place whether the trade is thrown open or not?—Yes, unavoidably, I think, sooner or later, under the present unwise and undignified system.

6395. Do you imagine it will occur earlier under an open trade, or the present system?—Earlier under an open trade, unquestionably.

6396. You mentioned that you did not think the Americans were desirous of purchasing the superior qualities of tea; what induces them, in your opinion, to prefer an inferior sort of tea? —They often come in quest of teas for different markets, and they will naturally search for such a description of tea they can sell

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at such a price as the parties for whom it is meant are in the habit of giving, or may be disposed to give, either on the continent of Europe or in America.

6397. You conceive it was not because they could not procure a superior quality of tea, but that they find the inferior more marketable and more beneficial to them?—There cannot be supposed to exist any difficulty in the Americans obtaining the best article which was to be found in the markets of China. The Chinese will deal with any one who brings money or credit.

6398. Do you thiuk that if the East-India Company was to be deprived of its monopoly in the China market, it would lead to the extinction of the Hong monopoly?—That would not follow, but must depend entirely on the Chinese government. If the Hong monopoly be continued with an open trade to this country, it will always be getting worse, and more vexatious. Indeed I see no salvation for an open trade, in the absence of the power and political influence of the East-India Company, without a previous understanding between the two governments.

6399. When you said there was a certain line which the Chinese government was in the habit of adhering to, did you mean to say that they pursued a certain system of government which has never changed within the memory of man, and that you thought was not likely to be changed?—Precisely so; and the line to which I alluded is of course a line that I cannot pretend to define; I do not know where that point is, but I believe that one of these days we shall pass it, and then this country will be compelled to do what it has never yet done, negociate direct and vigorously, and not through the medium of complimentary embassies; we might send fifty merely complimentary embassies, and they would do no good, but rather mischief, in my opinion.

6400. What is the embassy you would recommend?—Such an one as this great country is wont to send to all other countries excepting China; a manly proposition of amicable, reasonable, and mutually advantageous intercourse.

6401. If they refused to receive the ambassador, what would you propose to be done?—Give up drinking tea, or else enforce the reception of so just an intercourse.

6402. Do you know any thing of any contraband trade being carried on in British ships to other parts?—Country ships have gone on the coast, particularly with opium, but they have seldom met with success.

6403. They have gone to Amoy and parts north of Canton? —Yes, they have; but it is seldom resorted to now, I believe; the opium trade is now so comfortably circumstanced, they do not require any improvement.

6404. Supposing the trade immediately with China to be sus-

pended, do not you think that this country might be supplied with the quantity of tea wanted through Sincapore and other ports?—The thing is possible, but I should think fraught with difficulty. 25 June 1830. W. S. Davidson, Esq.

6405. Do not the Chinese carry on a large trade with the Eastern Islands?—Yes; in junks, they carry on a large trade.

6406. Those junks convey tea?—Yes; but whether the Chinese government would consent to see England supplied with tea in that manner I cannot say, and certainly they would tax it most severely if they did.

6407. Did those persons for whom you were agent while in China send any quantity of British manufactures into China?—No, not in my time, any great quantity.

6408. Are you of opinion that if the monopoly was at an end, there would be an increased demand for British manufactures into that country?—Unquestionably an increased demand would grow up; enterprising manufacturers in this country would send manufactures, and lose a great deal of money, probably, in the first instance; but that would create a taste, and I have no doubt that vast quantities of British manufactures would be sent ultimately.

6409. What sort of manufactures do you think most likely to be sent?—I should think that the articles now sent would be sent on a larger scale; cloths, metals, cotton goods, and sundries.

6410. Has the quantity that has been imported into that country by the Americans given the Chinese an increased taste for those manufactures?—I really hope so.

6411. Are you aware whether that is so or not?—It is some years since I quitted China; I cannot doubt that it has done so, however, and I have heard often that such is the fact.

6412. Have you made any calculations as to the profit or loss of the trade carried on by the East-India Company with China?—No, I have made no calculations in particular, but I have inspected for many years the accounts of the East-India Company in the most authentic shape.

6413. Have you collected from them the extent of profit which the East-India Company derive from that trade?—On that point I beg to state that I resided some years in China in conducting a large business; I have visited all the East-India Company's presidencies in India; and I can with truth, as I do with pleasure, bear the strongest testimony to the liberal manner in which their government is conducted, which seemed in my time to be universally considered. As a sovereign power, they are all that can be desired for those countries; but in their capacity of merchants, from the most attentive perusal that I can give their accounts, I am sorry to say that I think it has

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been a complete failure, and that they have reaped from their trade, as a whole, nothing but losses to their own corporation and to this country at large. During my whole residence in China I can with truth say, that I cannot call to mind an instance in which the Company's representatives there have proved recreant in their sacred duties towards British trade in general; not even inattentive, far less inimical to its interests.

6414. With regard to the profit and loss from the manner in which they conduct their trade, do you conceive that they do that in a manner equally advantageous to themselves that private individuals would conduct the same trade?—I am sorry to say I do not think so; nor do I think that any public body, constituted as the East-India Company is, can possibly compete with the quiet enterprize and economical management of the intelligent and industrious individual merchants of this country; and this is nothing but the unavoidable result of such a combination of circumstances.

6415. Have you formed an opinion as to the necessity for such an extent of an establishment for the conduct of their commercial affairs as is kept up by the Company in China?—The expense of the Company's establishment in China is not great; I believe it to be not much more than what the commission would be payable to myself or other private agents in the conduct of so extensive a business.

6416. You think the Company do not pay more for the conduct of their commercial business in China than private individuals would do?—Very little, I think.

6417. Then what is the difference between their management and that of private individuals?—The expense of all their numerous establishments in all parts of the East. In one of about twenty-five persons, as in Canton, it does not much signify how expensively those few persons may be fed or housed; but the East-India Company have such huge establishments throughout India as must have eaten up all their commercial profits, and they have done so, I fear greatly, besides a good deal of the territorial revenue.

6418. Supposing the whole of their commerce abandoned, except that to China, do you think that trade is as economically managed as a trade of that magnitude in the hands of individuals would be?—I am of opinion that there would not be found to exist a great deal of difference.

6419. Does your answer apply to the establishment at Canton only, or their manner of building ships?—I speak of their establishment at Canton only.

6420. Do you take into your consideration the large ships, the freight they pay, and the sort of goods they export to

China?—By no means. I only speak of the sale in China of their imports, and the expense attendant on the providing and loading of the homeward-bound cargoes, and the maintenance of their servants on the spot. 25 June 1830. W. S. Davidson, Esq.

6421. And the purchase of their teas?—Yes; the purchase of teas is included.

6422. You conceive that individuals carrying on such a trade would have advantages over a Company in the circumstance of freight, and the other objects alluded to?—Very great.

6423. Do you see any necessity for the very expensive ships the East-India Company equip for the purpose of conducting their trade?—By no means.

6424. Do you see any advantage resulting from the employment of large ships in preference to small ones?—Not now-a-days; there was a time when it might be of importance to this country; but not in the present improved state of the world.

6425. Is there any advantage, in respect of the duties charged by the Chinese, between large and small ships?—Yes, there has been found to be an advantage *pro tanto*, but that is not sufficient to counterbalance the many disadvantages.

6426. You have stated that if the trade to China were thrown open, British manufactures might be forced into that country; how can that take place to any extent in the face of exactions which you say would be the necessary consequence of the removal of the influence of the East-India Company as a chartered body?—I meant to say that that would take place at first on the opening of the trade, in consequence of the reckless disposition of the manufacturers and merchants of this country, when any new market is opened, in sending their goods, without just regard to whether they shall obtain profitable returns or otherwise; but I cannot take upon myself to say when it might stop, in consequence of the exactions of the Chinese, or of losses on the part of the English speculators.

6427. In your opinion, it would not be a permanent increase of trade?—Certainly not, if the trade were to be opened without previous negociation. The Chinese would commence with small exactions, and they would go on encroaching every year till they had destroyed the trade altogether, and this would necessarily produce the ruin of thousands in this country, I am confident.

The witness is directed to withdraw.

Mr. THOMAS MILLS is called in, and examined as follows:

6428. You are a tea-dealer?—I am. Mr. T. Mills.

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6429. You are a wholesale dealer?—I am.

6430. How long have you been engaged in the trade?—Sixteen years.

6431. Have you regularly attended the sales of the East-India Company during that time?—I have.

6432. Did you attend the last sale?—I did.

6433. Did the teas of the Company sell at the last sale generally at prices beyond those of the previous sales?—They did.

6434. Will you state generally the sort of teas upon which the advance has taken place beyond the preceding sale?—The boheas sold at an advance of about six per cent., the low congous five per cent., twankays four per cent., and hysons ten per cent.

6435. Will you state what you consider to be the causes of that advance?—The causes are generally considered to be the reports in circulation respecting the difference existing between the Company's Factory at Canton and the Chinese authorities; also the known inadequacy of the Company's stock of some particular kinds of teas, and the uncertainty of further arrivals.

6436. Will you explain what you mean by the inadequacy of the Company's stock—in what respect you consider it inadequate?—In boheas they have a quantity equal only to about two sales, in hysons they have not two sales, and in souchongs and pekoes they have none.

6437. Did the advance take place more particularly on those teas in which you suppose them to have an inadequate supply?—Yes; to the greatest extent on the boheas and the hysons, of which they have not the same stock as of other teas.

6438. Is not the Company considered to be obliged, under the Act of Parliament, to keep a stock equal to one year's consumption?—I believe it is considered to be the requirement of the charter that they should have a stock equal to the average of four quarters' consumption.

6439. You do not consider, however, that, in all descriptions of teas that are consumed in England, they have a stock equal to the average of four quarters?—Of those four sorts they obviously have not; of souchongs there were none in the last sale, and of another description of tea, the pekoe, they have sold none since June 1828.

6440. By what classes of persons are those teas to which you have alluded consumed?—The boheas are consumed by the lower classes—the manufacturing classes; the souchongs, the pekoes, and hysons, by the higher classes.

6441. You consider the supply to be more deficient in that description of tea which is most extensively consumed by the middling and lower classes?—Yes.

6442. Will you state generally what are the varieties of teas which are in regular demand in England?—Of black teas there are boheas, congous, campois, souchongs, pekoes, padrae, caper, tetsong, and ancoy; and of green teas, twankays, hyson skins, hyson, young hyson, and gunpowder.

6443. Do the Company supply the demand in all those descriptions of teas?—The greatest variety is supplied by the private-trade; the Company supply only a small quantity in varieties, though they supply the greatest quantity in bulk.

6444. By the private trade you mean refer to the trade of the officers of the Company?—Yes.

6445. Can you state whether the varieties of tea you have described, and for which a demand exists here beyond the supply of the Company, is to be obtained in other parts of Europe?—I cannot speak to that question generally; I have been abroad twice, and certainly the pekoe tea there is much finer than that imported here.

6446. To what particular part of the continent do you refer when you say you have found it finer?—To Holland and Germany.

6447. Is the sale price of tea generally in advance upon the upset price at the Company's sales?—In almost all cases; occasionally teas have not fetched the upset price; then they have been withdrawn at that sale, and put up at the succeeding sale without an upset price; but in most cases the selling price is a very considerable advance on the upset price.

6448. Is there a great proportionable difference sometimes between the sale price and the upset price in different sorts of tea?—Very considerable; congou tea put at 1*s.* 8*d.* often fetches 2*s.* 5*d.*, and other congou tea put up at 2*s.* 1*d.* has fetched 3*s.* 7*d.*

6449. If the upset price is the cost price, how do you explain that great relative difference between the cost and sale price in different kinds of tea?—I should attribute it to the inadequacy of supply; the selling price would be nearer the upset price, if the supply was adequate to the demand.

6450. Do you conceive that the extent of demand for each description of tea can be pretty well presumed from the experience of the Company's sales, so as to enable their agents to provide for it in proportion to the demand?—The Company could declare a greater quantity for sale if they chose; the quantity declared for sale is perfectly optional with them; it is

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announced about six weeks previous to the sale, and entirely depends upon their own will and pleasure.

6451. Can they have any interest in not meeting the demand in the same proportion for each description of tea which exists, supposing they have been properly provided with stock in China? —It is impossible for me to know the reasons which induce the Company to regulate the supply of tea.

6452. You conceive, however, that they have reasons, independent of the state of their stock as supplied from Canton, for increasing or diminishing the quantity they expose to sale?—Yes.

6453. Do the inspectors of the Company fix any particular mark to the tea?—Yes; the Company not only fix the putting-up price of their teas, but they also fix the quality of their teas, and they sell them by characters. These are the printed characters of the Company by which they declare the quality of their own goods.

[*Statement handed in.*]

6454. Do not they sell by sample?—Yes; but they attach a character to the tea, declaring their opinion of its quality.

6455. You, having taken a sample, form your own opinion of the quality of the tea?—Yes.

6456. Is not a break of tea one of the terms used in the trade? —Yes.

6457. Explain what that term means?—A break of tea consists of a certain number of chests of the same character and quality, varying in quantity from two hundred to a thousand chests.

6458. Do the characters so affixed to each break of tea correspond with the upset price?—No, certainly not; the characters are frequently lower for the 2*s.* 1*d.* than for the 1*s.* 8*d.* teas.

[*The list of the characters delivered in by the witness is read, and is as follows:*]

TEA declared for Sale on Tuesday the 1st June 1830: Prompt the 27th August 1830.

Bohea	1,400,000
Congou, campoi, and souchong	5,100,000
Twankay and hyson-skin	1,150,000
Hyson	250,000
Including private trade	7,900,000

East-India Company's Characters of Black Teas.

Break.	Folio.	Tare.	Chests.	BOHEA, at 1*s.* 5*d.* per lb.
		lbs.		Quarter chests.
1	579	21	210	Middling good bohea, congou kind of leaf.
2	581	20	210	Ditto .... ditto.
3	582	21	210	Ditto .... ditto.
4	583	22	248	Ditto ...... on the congou kind of leaf.
5	584	21	210	Ditto ...... congou kind of leaf.
				Half chests.
6	586	28-29	96	Preferable to ordinary congou.
7	587	28-29	85	Ditto ...... ditto as 7 Br. M.S. 1830.
8	588	29-30	910	Ordinary congou, or preferable.
9	596	28-29	200	Preferable to ordinary congou.
10	598	28-29	902	Ditto ...... ditto.
				Large chests.
11	607	47-48	679	Middling good bohea, congou kind of leaf.
12	613	47-48	373	Ditto .... ditto.
13	617	48-49	258	Ditto .... ditto.
14	619	47-48	680	Ditto ...... on the congou kind of leaf.
15	626	46-47	260	Ditto ...... congou kind.
16	629	47-49	260	Ditto ...... congou kind of leaf.
17	631	48-49	680	Ditto ...... on the congou kind of leaf.
18	638	47-48	260	Ditto ...... congou kind of leaf.
19	640	49-49	199	Ditto .... ditto.
20	642	48-49	680	Good middling bohea ...... ditto.
21	649	47-48	270	Ditto .... ditto, as 15 Br. M.S. 1830.
				In quarter congou chests.
22	651	24	606	Good ordinary tea, even palish mixt leaf, rather burnt.
23	655	24	157	Ditto .... ditto .... little burnt, as 22 Br. M.S. 1830.
24	656	24	1200	Preferable to ordinary congou.
25	662	24	619	Ditto .... ditto.
26	665	24	304	Ditto .... ditto.
27	667	24	329	Ditto .... ditto, as 19 Br. M.S. 1830.
				CONGOU, at 1*s.* 8*d.* per lb.
1	673	23	559	But middling congou, mixt leaf, little new.
2	676	25	613	Ditto ...... mixt leaf kind.
3	679	24	653	Ditto ...... rather coarse little new.
4	683	24	384	Ditto .... ditto .... ditto, as 1 Br. M.S. 1830.
5	685	23	560	Ditto ...... mixt leaf kind, little new.
6	688	23	506	Ditto ...... rather coarse and rather new.
7	690	24	605	Ditto ...... rather coarse, little new.
8	694	23-24	416	Ditto ...... rather coarse, new.
9	696	24	598	Ditto ...... rather coarse and rather new.
10	699	24	590	Ditto .... ditto .... ditto.
11	703	24	523	Ditto ...... coarse and rather old.
12	706	23	400	Ditto ...... rather new.
13	708	24	605	Ditto ...... rather coarse, little new.
14	712	23-24	612	Ditto ...... rather coarse, a little strong.
15	714	24	659	Ditto ...... rather coarse, little new.
16	718	23	436	Ditto ...... coarse, little new.
17	720	24-25	226	Ditto ...... rather coarse and rather new.
18	722	24	630	Ditto ...... rather coarse and new.
19	724	24	606	*Ditto ...... rather coarse and rather new.

continued.

Break.	Folio.	Tare.	Chests.	
		lbs.		CONGOU, at 1*s*. 8*d*. per lb.—*continued.*
20	728	24	543	But middling Congou, little fresh.
21	730	24	622	Ditto ...... rather new, little burnt.
22	734	24	610	Ditto ...... rather coarse and rather new.
23	737	24	451	Ditto ...... rather coarse, little new.
24	740	24	550	Ditto ...... rather new.
25	742	24	545	Ditto ...... rather coarse, little new.
26	745	24	606	Ditto ...... rather coarse and rather new.
27	749	23	389	Ditto ...... rather coarse, little new, as 22 Br. S.S. 1829.
28	750	24	624	Ditto ...... little coarse.
29	754	23	637	Ditto ...... rather coarse, new.
30	757	24	616	Ditto ...... rather coarse and rather new.
31	760	23	634	Ditto ...... rather coarse, little strong.
32	763	23	590	Ditto ...... mixt leaf kind.
33	766	24	299	Ditto ...... rather coarse.
				CONGOU, at 2*s*. 1*d*. per lb.
34	769	24-25	628	But middling congou, mixt blackish leaf.
35	772	25	617	Ditto .... ditto.
36	776	24	618	Ditto .... ditto.
37	779	25	617	Ditto ...... mixt blackish tea kind of leaf.
38	783	25	604	Ditto ...... blackish mixt tea kind of leaf.
39	786	23	573	Ditto ...... blackish leaf, rather strong.
40	789	23	605	Ditto .... ditto ...... ditto.
41	792	24	467	Ditto ...... mixt leaf, as 81 Br. M.S. 1830.
42	795	24	564	Ditto ...... blackish rather mixt leaf, rather strong.
43	798	25	299	Preferable to but middling tea, blackish leaf, Pekoe kind.
44	800	24	299	But middling tea or pref., blackish leaf, little Pekoe kind.
45	802	22-23	111	But middling congou, smallish leaf.
46	802	24	616	Ditto ...... blackish on the wiry leaf.
47	806	24	610	Ditto ...... mixt leaf.
48	809	23	597	Ditto ...... on the mixt wiry leaf.
49	812	23	588	Ditto ...... mixt leaf.
50	815	25	615	Ditto ...... mixt blackish tea kind of leaf.
51	819	23-24	594	Ditto ...... mixt blackish leaf.
52	822	23-24	526	Ditto ...... blackish mixt leaf, little strong.
53	825	25	619	Ditto ...... blackish wiry leaf, little Pekoe kind.
54	828	24	621	Ditto ...... mixt blackish leaf, rather fresh.
55	831	23	594	Ditto ...... smallish mixt blackish leaf.
56	834	24	283	But middling congou.
57	836	25	587	Ditto ...... blackish mixt leaf.
58	839	24	600	Ditto ...... mixt leaf.
59	842	24	600	Ditto ...... mixt leaf, rather fresh, little new.
60	846	22	592	Ditto ...... smallish blackish leaf.
61	849	25	595	Ditto ...... mixt blackish tea kind of leaf.
62	852	23	599	Ditto ...... mixt leaf.
				One-eighth chests.
63	856	13	616	But middling congou, mixt blackish leaf.
				Quarter chests.
64	858	24	594	But middling congou, mixt blackish leaf kind.
65	861	23-24	611	Ditto ...... mixt blackish leaf.
66	865	25	610	Ditto ...... a little strong.
67	868	23	488	Ditto ...... mixt leaf, as 59 Br. M.S. 1830.

(continued.)

Break.	Folio.	Tare.	Chests.	
				CONGOU, at 2s. 1d. per lb.—*continued.*
		lbs.		
68	871	25	619	But middling congou, on the mixt blackish leaf kind.
69	874	24	607	Ditto ...... rather coarse.
70	878	24	621	Ditto ...... rather coarse, little strong.
71	881	24	603	Ditto .... ditto ...... ditto.
72	885	23	612	Ditto ...... smallest mixt leaf.
73	888	24	596	Ditto ...... mixt leaf.
74	891	23	576	Ditto ...... mixt leaf, rather new.
75	894	23-24	583	Ditto ...... mixt leaf, little new.
76	897	24	630	Ditto ...... little new.
77	901	22	448	Ditto ...... as 72 Br. M.S. 1830.
78	904	24	583	Ditto ...... mixt leaf.
79	907	23	579	Ditto ...... rather coarse and rather new.
80	910	23	368	Ditto ...... rather coarse, little strong.
81	912	23	623	Ditto ...... rather coarse and rather new.
82	916	24	581	But middling tea, Pekoe kind.
				One-eighth chests.
83	919	14	1,042	But middling congou, mixt blackish leaf.
				Quarter chests.
84	924	24	638	But middling congou.
85	927	24	614	Ditto ...... rather coarse.
86	930	24	563	Ditto ...... mixt leaf, rather fresh.
87	933	24	562	Ditto ...... mixt leaf.
88	936	24	588	Ditto ...... rather coarse, little strong.
89	939	25	602	Ditto ...... mixt tea kind of leaf.
90	942	23	621	Ditto ...... blackish wiry leaf.
91	946	24	593	Ditto ...... mixt leaf, little new.
92	949	24	587	Ditto ...... mixt blackish leaf.
93	952	24	575	Ditto ...... on the mixt blackish leaf.
94	955	24	926	But middling congou.
95	960	24	598	Ditto ...... mixt blackish leaf kind.
96	963	25	604	Ditto ...... mixt blackish tea kind of leaf.
97	966	25	201	Ditto ...... mixt blackish leaf.
98	967	24	603	Ditto ...... mixt leaf, little new.
99	970	24	1,019	Ditto ...... on the mixt blackish leaf.
100	976	24	580	Ditto ...... rather coarse.
101	979	23	643	Ditto ...... on the blackish leaf.
102	982	24	100	Ditto ...... on the dull blackish leaf.
				CONGOU, at 1s. 8d. per lb.
103	983	24	220	But middling tea, rather coarse, campoi kind.
104	984	23	162	Ditto ...... ditto ...... ditto.
105	985	23-24	211	Ditto .... rather coarse, little new, campoi kind.
106	986	24	206	Ditto ...... ditto .... campoi kind.
107	987	23-24	163	Ditto .... rather fresh and new, campoi kind.
108	989	24	238	Ditto .... coarse and new, campoi kind.
109	990	23	239	Ditto .... coarse, campoi kind.
110	991	23	239	Ditto .... rather coarse, campoi kind.
111	993	23	236	Ditto ...... ditto ...... ditto.
				CAMPOI, at 2s. 4d. per lb.
1	994	24	206	Preferable to but middling tea, mixt leaf.
2	995	24	157	Preferable to but middling tea.
3	996	24	218	But middling tea.
4	997	22	296	Ditto .... mixt leaf.

(*continued.*)

Break.	Folio.	Tare.	Chests.	CAMPOI, at 2s. 4d. per lb.—*continued.*
		lbs.		
5	999	24	199	But middling tea.
6	1007	23-24	126	Ditto .... or preferable, as 11 Br. M.S. 1830.
7	1008	23-24	202	But middling tea.
8	1009	24	219	Ditto.
9	1010	23	48	Ditto .... or preferable, as 5 Br. M.S. 1829.
				At per lb.
—	1000	23-24	96	Preferable to but middling tea.
—	1000	23-24	173	Ditto .... ditto.
—	1001	24	173	But middling tea, or preferable.
—	1002	24	199	But middling tea.
—	1003	23	218	Ditto .... or preferable.
—	1005	23	174	Preferable to but middling tea, mixt leaf, fresh.
—	1006	22	222	But middling tea.
—	1010	23-24	78	Ditto .... or preferable.
—	1011	23	229	But middling to middling tea, mixt leaf, fresh.

(*Mr. Mills.*)—This paper contains a comparison of the character and prices of some of the teas sold at the June sale, shewing that the Company's upset price did not correspond with the Company's characters.

[*The same is delivered in and read, and is as follows:*]

COMPARISON of the CHARACTERS and PRICES of different BREAKS of CONGOU, sold at June Sale 1830.

CONGOU.

The 69th break, 85th break, 100th break } Put up at 2*s* 1*d* per lb., have the same character as the 28th break and 35th break, put up at 1*s*. 8*d*., and are lower in character than the 31st break, put up at 1*s*. 8*d*.

The 74th break, 75th break, 91st break } Put up at 2*s*. 1*d*. per lb., have the same character as the 1st break, put up at 1*s*. 8*d*., and are lower in character than the 6th, 7th, 9th, 10th, 11th, 13th, 14th, 15th, 16th, 17th, 18th, 19th, 20th, 22d, 23d, 25th, 26th, 27th, 28th, 30th, 31st, 32d, 33d breaks; in all 23 breaks, which are put up at 1*s*. 8*d*. per lb.

The 76th break, put up at 2*s*. 1*d*., has a character lower than the 2d, 3d, 4th, 6th, 7th, 9th, 10th, 11th, 13th, 14th, 15th, 17th, 19th, 20th, 22d, 23d, 25th, 26th, 27th, 28th, 30th, 31st, 32d, and 33d breaks; in all 24 breaks, which are put up up at 1*s*. 8*d*. per lb.

The 79th break, 81st break } Put up at 2*s*. 1*d*., have the same character as the 6th, 9th, 10th, 17th, 19th, 22d, and 26th breaks, put up at 1*s*. 8*d*. per lb., and are lower in character than the 11th, 14th, 28th, 31st, and 33d; in all 5 breaks, put up at 1*s*. 8*d*. per lb.

The 80th break, 88th break } Put up at 2*s*. 1*d*., same character as the 14th and 31st breaks, which are put up at 1*s*. 8*d*. per lb.

6459. How do you explain that difference?—The upset price is taken to be a remunerating price, which consists of the cost of the teas in China, and the expense of bringing them home. It appears, therefore, obvious that the teas put up at 2s. 1d. must have cost the Company more in Canton than the teas put up at 1s. 8d.; but their inspectors here declare that the tea put up at 2s. 1d. is not so good as that put up at 1s. 8d.; there is, therefore, an obvious difference of opinion between their inspectors in this country and their factory in Canton.

6460. You conceive that the factory of the Company at Canton do not habitually discriminate the sale price of the respective qualities of tea that they send to England?—The declared opinion of their inspectors in this country is obviously at variance with the opinion of the factory at Canton. It is for every person to judge by whom the more correct opinion is formed.

6461. According to your opinion, which is the most correct? —I should rather state the opinion of purchasers collectively; and certainly the opinions of the trade in this country would more agree, though they would in some respects differ with the inspectors here, than with the opinion of the factory abroad, judging from the prices at which the teas sell; the fact of some of the 2s. 1d. teas not finding any purchaser, and 1s. 8d. teas selling as high as 2s. 5d., would argue against the judgment of the factory at Canton.

6462. Is it not the fact that teas rejected at one sale, and put up at a subsequent sale without any price, have frequently fetched a higher price than teas put up at the same sale at the price at which they were originally put up at the previous sale? —If prices have generally advanced, teas which were rejected at 2s. 1d. at a former sale, and which would have found customers at 2s. 0½d., if the prices have advanced from the Company diminishing the quantity, would fetch the prices at which they were rejected on a former sale.

6463. What are the descriptions of tea for which you conceive there might possibly be an increased demand in England, were the supply adequate?—I should say generally that the consumption of tea might be materially increased. I do not myself see why the consumption of tea should not keep pace with the consumption of coffee. The consumption of coffee, since 1824, has increased above 130 per cent.; the consumption of tea within that time has increased only 26 per cent.

6464. What is the particular quality of tea in which you conceive there is the greatest opening for an increased consumption?—I should think the lowest teas and the finest teas are the two descriptions of tea of which the greatest increase in quantity might be sold; but I think generally the consumption of tea might be greatly increased if the supply was increased.

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6465. Have you seen the return from the East-India House, in which the average prime cost of tea at Canton is stated for the last six years?—Yes, I have.

6466. Have you compared that with the price at which the Company have sold those teas?—I have.

6467. What is the general inference you have drawn as to the profit of the Company from those sales upon that comparison?—I compared the average cost price at Canton in 1828-29 with the sale prices of the last sale; probably some of the identical teas purchased in 1828-29 were then sold. On the bohea the advance upon the lowest was ninety-two per cent, and upon the highest one hundred and forty per cent.; on the lowest congou, put up at 1*s.* 8*d.*, the advance was seventy-five per cent., and the highest ninety-nine per cent.; and on congous put up at 2*s.* 1*d.* the advance upon the lowest was seventy-eight per cent., and upon the highest one hundred and ninety-five per cent.; on twankay, put up at 2*s.* 2*d.*, the advance on the lowest was sixty-six per cent., and on the highest one hundred and fifty-three per cent.; and on hysons, put up at 3*s.* to 3*s.* 9*d.*, the advance on the lowest was seventy-nine per cent., and on the highest one hundred and forty-one per cent.

[*The witness delivers in the statement, which is read, and is as follows:*]

STATEMENT of ADVANCE on TEAS sold at the JUNE SALE 1830 above the Average Cost Prices of 1828-29 at Canton, as stated in Returns made by the East-India Company, dated 17th March 1830.

Description.	Average Cost Price at Canton, 1828-29.			Putting up Price, June Sale 1830.	Selling Prices, June Sale 1830.			Advance per Cent. on Average Cost Price at Canton.			
	s.	*d.*		*s.* *d.*		*s.*	*d.*	About			
Bohea ..	0	9	512	1 5	Lowest	1	6¼	92	per cent.	91	86
					Highest	1	10¾	140	—	139	17
Congou ..	1	2	587	1 8	Lowest	2	1½	75	—	74	81
					Highest	2	5	99	—	98	80
Congou ..	1	2	587	2 1	Lowest	2	2	78	—	78	24
					Highest	3	7	195	—	194	78
Twankay	1	3	810	2 2	Lowest	2	2¼	66	—	66	03
					Highest	3	4	153	—	153	—
Hyson ..	2	2	263	3*s.* & 3*s.* 9*d.*	Lowest	3	11	79	—	78	96
					Highest	5	3½	141	—	141	40

6468. Can you, from that statement, draw an inference as to the net profit of the Company here upon the whole sale?—I have made a calculation of the advance on teas sold at the East-India Company's sale in season 1830, above the putting-up price.

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6469. What notice have you taken in that paper of teas rejected at former sale brought in again?—There were no rejected congous put up at the last sale; there were a few twankays, which I have omitted; they sold, in consequence of the deficiency of supply, at a considerable advance.

[*The paper is delivered in, and is read as follows:*]

CALCULATION of the ADVANCE on TEAS, sold at the East-India Company's Sale in June 1830, above the Putting-up Price.

	£.	s.	d.	£.	s.	d.
On Bohea Teas .... put up at 1*s*. 5*d*. per lb.				15,859	15	9
On Congou Teas.... put up at 1*s*. 8*d*. per lb.	40,353	18	7			
On Congou Teas.... put up at 2*s*. 1*d*. per lb.	43,289	7	1			
On Campoi Teas.... put up at 2*s*. 4*d*. per lb.	117	16	8			
On Twankay Teas .. put up at 2*s*. 2*d*. per lb.	11,080	16	1			
On Hyson Skin Teas, put up at 2*s*. 3*d*. per lb. ...	749	14	4			
On Hyson Teas .... put up at 3*s*. 0*d*. per lb.	3,301	11	2			
On Hyson Teas .... put up at 3*s*. 9*d*. per lb.	6,184	18	5			
	£105,078	2	4			
Lot Money......	1,240	0	0	106,318	2	4
Profit to the East-India Company above the Putting-up Price				£122,177	18	1
Add 96 per Cent Duty on Bohea Teas..........................				15,225	7	7
Ad valorem Duty on the other sorts of Teas				105,078	2	4
Cost to the Consumers above the Putting-up Price				£242,481	8	0

6470. Have you any means of knowing what the advance per cent. is in the price of teas sold by the Americans in the United States and on the Continent of Europe beyond the original price of those teas at Canton?—No, I have not.

6471. The net profit, then, that we are to infer the Company derive from their sale in June 1830, to which your calculation refers, was £122,177. 18*s*. 1*d*.?—Yes; that is the calculation of the profit above the putting-up price.

6472. Are you of opinion that the profit is less or greater than in the corresponding sales of the preceding year?—I should hardly venture to give an opinion upon that, for the prices of teas vary greatly; tea is lower than it used to be, though it has declined in value much less than many other articles of consumption.

6473. Are you aware of any reason why that sale should have differed particularly from other sales?—Yes. I think that the report in circulation, and the inadequacy of the stock, had an effect.

6474. Will you state whether those descriptions of teas which you have represented to be furnished exclusively by private

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traders, under the sanction of the Company, are to be obtained as regularly as the Company's teas?—The ships from Canton arrive only once in the year, and the private trade always sell their teas at the ensuing sale after their arrival; the sale of those teas, therefore, generally takes place in June; but some of the ships arrive late, and then the sale of the remainder of that private trade takes place in September; but the supply of that description of tea must always be purchased at those two sales for the rest of the year.

6475. The supply cannot be so regularly depended upon of that description of teas as the supply of those teas furnished by the Company?—No. I will beg to state the description of teas for which we depend entirely on the supply of the private trade; the Company do sometimes import souchong and pekoe, but they have now none to sell. The other sorts are padree, caper, tetsong, and ancoy, of black teas; and young hyson and gunpowder, of green teas; those are among the finest description of hyson sold.

6476. Are they of a finer quality than any imported by the Company?—Certainly. They have only once in my time imported young hyson, and once gunpowder; the gunpowder fetches a higher price than any of the Company's teas.

6477. Can you state what are the rates charged by the Company for disposing of teas imported by private individuals?—They charge their own officers an ad valorem duty of about twenty-six per cent. As they are sold at the East-India House, of course the Company know the price they obtain, and they take off a sum amounting to twenty-six per cent.

6478. Are those rates greater or less than they charge for other goods?—They are very different.

6479. Can you state the difference?—On silk, which is, upon the average, threefold the value of teas, they charge only one and a half per cent.; and on spices, which are about the same value as tea, they charge only one and a quarter. This is their own printed schedule of rates to which I am referring.

[*The same is delivered in, and is read as follows.*]

SCHEDULE of RATES to be charged by the East-India Company for the Management and Sale of Goods imported by Private Merchants.

For Wharfage, Landing, Cartage, Housing, Coopering, Taring, mending Packages if broken by ordinary Ship's Breakage, enlarging Indigo or other Chests when necessary, weighing, shewing to the Buyers, printing Catalogues, selling at the Sales at the East-India House, or shewing and Attendance in case the Importer shall sell the Goods by Private Sale, and delivering; calculated on the Sale Value of Goods sold at the Company's Sales, and on the estimated Value of Goods sold by Private Bargain.	Rates per Cent.			For Warehouse Rent, per Week, payable upon each Parcel of a Ship's Cargo from the Day on which the first Parcel of Goods by that Ship shall be delivered into the Company's Warehouses. N.B.—On Goods sold at the Company's Sales, the Importer is to pay the Weekly Rent until the Prompt Day,* from which Day the Buyer is to pay it.			
	£.	s.	d.	£.	s.	d.	
Aloes	2	10	0	0	0	10	per ton.
Alum	4	0	0	0	0	5	per ton.
Annatto	3	0	0	0	0	10	per ton.
Anniseed	4	0	0	0	0	1½	per chest.
Arrack and other spirits	2	0	0	0	1	0	per leaguer.
				0	0	8	per butt.
				0	0	6	per pipe or puncheon.
Arrow Root	4	0	0	0	0	7½	per ton.
Arsenic, hartall, and orpiment	5	0	0	0	1	3	per ton.
Assafœtida	3	0	0	0	0	10	per ton.
Bark	4	0	0	0	0	10	per ton.
Bees' wax	3	0	0	0	0	10	per ton.
Betel nuts	4	0	0	0	0	5	per ton.
Borax and tincal	3	0	0	0	0	10	per ton.
Callicoes, white, printed or dyed (vide Piece Goods)							
Cambogium	2	0	0	0	0	10	per ton.
Camphire	2	0	0	0	1	3	per ton.
Canes and sticks, 1*s.* 6*d.* per 100 in tale	....			0	0	2	per thousand.
Cardemoms	2	0	0	0	1	3	per ton.
Cassia buds	2	10	0	0	0	10	per ton.
Cassia lignea	4	0	0	0	1	3	per ton.
Castor beans	7	0	0	0	0	5	per ton.
Castor oil, in duppers or jars	3	10	0	0	1	3	per ton.
Castor oil, in bottles	7	0	0	0	0	1	per chest.
Cayenne pepper	4	0	0	0	0	0½	per bag.
Chassum, 10*s.* per bale, not exceeding 4 maunds	....			0	0	1½	per bale.
Chillies, in bales	5	0	0	0	0	7½	per ton.
Chillies, in bundles	7	0	0	0	1	3	per ton.
China root	5	0	0	0	0	5	per ton.
Chinese manufactures;—*viz.* china ware, coque-de-perle, fans, ink, mats, lacquered ware, mother-o'-pearl ware, paper, soy, &c.	2	0	0	0	0	2	per chest until prompt day, and afterwards 1*d.* per lot if divided.
Cinnabar or vermilion	2	0	0	0	0	10	per ton.
Cinnamon	1	0	0	0	0	1½	per bale.
Cloves	1	0	0	0	0	1½	per chest.
Cochineal	2	0	0	0	0	10	per ton.

(*continued*).

* That is, the day (fixed at the time of sale) upon which the buyer engages to pay in full for the goods bought by him.—In case the goods shall not pass the sales, the whole of the warehouse rent, until the period of delivery, will of course remain a charge upon the goods, and be paid by the importer, or the person to whom he may transfer his property in the goods.

	Rates per Cent. £.	s.	d.	Warehouse Rent per Week. £.	s.	d.	
Coculus indicus	2	0	0	0	0	10	per ton.
Coffee, of all kinds	2	[illegible]	0	0	0	7½	per ton.
Columbo root	2	0	0	0	0	10	per ton.
Cornelian, agate, and arrangoe stones, beads and manufactures of ditto; also coral beads	2	0	0	0	0	2	per chest until prompt day, and afterwards 1*d.* per lot if divided.
Cotton thread or yarn	1	0	0	0	0	1½	per bale.
Cotton wool { Bengal, Madras, and Surat }	1	10	0 On a fixed value of 6*d.* per pound.	0	0	0½	per 100lbs.
Cotton wool (Bourbon)	1	10	0 On a fixed value of 1*s.* per pound.	0	0	1½	per bale.
Cowries	7	0	0	0	0	5	per ton.
Cubebs	3	0	0	0	1	3	per ton.
Cummin seed	2	0	0	0	0	5	per ton.
Dragon's blood	3	0	0	0	0	10	per ton.
Elephant's teeth and sea-horse teeth	2	0	0	0	0	1	per cwt.
Frankincense	4	0	0	0	0	10	per ton.
Galanga root	4	0	0	0	0	10	per ton.
Galbanum	4	0	0	0	0	10	per ton.
Galls	3	0	0	0	0	10	per ton.
Ginger	6	0	0	0	0	5	per ton.
Gum ammoniac	2	10	0	0	0	10	per ton.
Gum animi or copal	2	10	0	0	0	10	per ton.
Gum arabic	3	0	0	0	0	10	per ton.
Gum benjamin	3	0	0	0	0	10	per ton.
Gum kino	2	0	0	0	0	10	per ton.
Gum mastich	4	0	0	0	0	10	per ton.
Gum myrrh	2	10	0	0	0	10	per ton.
Gum olibanum	4	0	0	0	0	10	per ton.
Gum senega	4	0	0	0	0	10	per ton.
Gum tragacanth	4	0	0	0	0	10	per ton.
Gum unrated	4	0	0	0	0	10	per ton.
Hemp and sunn	2	0	0	0	0	5	per ton.
Hides	5	0	0	0	0	7½	per ton.
Horns, buffalo	7	0	0	0	0	10	per ton.
Horn tips	4	0	0	0	0	5	per ton.
Indigo	2	0	0	0	0	1½	per chest of any weight.
Kelp, barilla, alkali, and soda	7	0	0	0	0	0½	per cwt.
Lac lake and lac dye	2	0	0	0	0	10	per ton.
Lichen or moss	7	0	0	0	0	1	per bale.
Long pepper	3	0	0	0	0	7½	per ton.
Mace	1	0	0	0	0	1½	per chest.
Molasses	2	0	0	0	0	6	per hogshead.
				0	1	0	per pipe or leaguer.
Mother-o'-pearl shells	3	0	0	0	0	5	per ton.
Munjeet { in bales	3	0	0	0	0	7½	per ton.
Munjeet { in bags or bundles	4	0	0	0	1	3	per ton.
Musk	1	0	0	0	0	2	per chest until prompt day, and afterwards ½*d.* per lot if divided.
Muslins, white, printed, or dyed (vide Piece Goods).							
Myrabolanes	7	0	0	0	0	5	per ton.
Nankeens { Passing Company's sales	1	10	0	0	0	1	per bale or chest.
Nankeens { By private bargain	1	5	0				

(*continued.*)

	Rates per Cent. £.	s.	d.	Warehouse Rent per Week. £.	s.	d.	
Nutmegs	1	0	0	0	0	1½	per chest.
Nux vomica	5	0	0	0	0	5	per ton.
Oils, chemical	2	0	0	0	0	2	per chest until prompt day; and afterwards for quart bottles, loose, not exceeding six per lot, ⅛th of a penny per quart bottle; if exceeding six per lot, 1d. per dozen quart bottles. Canister under 400 ounces, ½d. per canister; exceeding 400 ounces, 1d. per canister.
Oil of cocoa nut	3	0	0	0	0	6	per hogshead.
				0	1	0	per pipe or leaguer.
Opium	1	0	0	0	0	10	per ton.
Pepper, black	2	0	0	0	0	1	per bag of 316lbs.
———, white	2	0	0	0	0	0¾	per bag of 224lbs.
Piece goods, cotton, white, coloured, and mixed silk and cotton — Passing Company's sales	1	10	0	0	0	1½	per bale.
Piece goods, cotton, white, coloured, and mixed silk and cotton — By private bargain	1	5	0				
Piece goods, silk — Passing Company's sales	1	0	0	0	0	1½	per bale.
Piece goods, silk — By private bargain	0	15	0				
Puree	2	0	0	0	0	1	per chest.
Rattans, 2*s.* per 1,000, in tale	....			0	0	2	per thousand.
Red saunders wood	5	0	0	0	0	1½	per ton.
Rhubarb	2	0	0	0	0	10	per ton.
Rice	3	10	0	0	0	0¼	per bag.
Safflower	2	0	0	0	0	7½	per ton.
Sago	6	0	0	0	0	5	per ton.
Sal ammoniac	3	0	0	0	0	10	per ton.
Saltpetre	3	0	0	0	0	5	per ton.
Sandal wood	3	0	0	0	0	3	per ton.
Sapan wood	4	0	0	0	0	2	per ton.
Sea-horse teeth (vide elephant's teeth).							
Sealing wax	4	0	0	0	0	10	per ton.
Seed lac	4	0	0	0	0	10	per ton.
Seeds of all kinds	4	0	0	0	0	5	per ton.
Senna	2	10	0	0	0	7½	per ton.
Shawls — Passing Company's sales	1	0	0	0	0	1½	per bale.
Shawls — By private bargain	0	15	0				
Shellac	4	0	0	0	0	10	per ton.
Silk, *viz.* raw silk of Bengal or China	1	0	0	0	0	1½	per bale.
Silks, wrought (vide piece goods, silk).							
Skins	6	0	0	0	0	1	per hundred.
Soap	5	0	0	0	0	7½	per ton.
Spirits (vide arrack).							
Sticklac	4	0	0	0	0	10	per ton.
Sugar	2	0	0	0	0	0¼	per cwt.
Sugar candy	2	0	0	0	0	1	per chest.
Talc or ubruc	4	0	0	0	0	5	per ton.
Tamarinds	4	0	0	0	0	10	per ton.
Terra japonica	4	0	0	0	0	7½	per ton.
Tin	1	0	0	0	0	5	per ton.
Tortoiseshell	1	0	0	0	0	1	per box.
Turmeric	5	0	0	0	0	5	per ton.
Tutenague	2	0	0	0	0	5	per ton.
Ultramarine	2	0	0	0	0	1	per box.
Wood for dyeing, and all other wood except red saunders, sandal, and sapan wood	7	0	0	0	0	2	per ton.
Wool of sheep or goats	3	0	0	0	0	1	per bale.
Zedoaria	2	0	0	0	0	7½	per ton.

Articles not enumerated will be charged according to their value and bulk.

25 June 1830.

Mr. T. Mills.

These rates are calculated on the usual packages in which goods have hitherto been imported. Proportionable rates will be charged for any other kinds of packages.

If goods require to be garbled, or to have new packages, a reasonable price will be charged for the same.

A charge of one-quarter per cent. on the gross value of all goods sold at the Company's sales, and of one-eighth per cent. on all goods delivered by valuation or private bargain, will be made to the proprietors, in addition to the above per-centage respectively.

The usual petty fee of lot or loading money will be paid to the warehousekeepers by the parties who may take the goods away.

East-India House, 4th October 1826.

6480. Are you aware of any reason why they should make so great a difference in the charge upon different descriptions of commodities?—My opinion is, that they make this charge on teas to prevent the competition of their own servants.

6481. You infer that they apprehend that competition more in the case of tea than of other commodities?—Certainly.

6482. Do they take into consideration, in making that charge, the circumstance of their officers bringing home their teas free from freight?—No. In the agreement the Company make with their officers, a certain quantity of tonnage is allowed them, and in that tonnage the officers bring home either teas, silk, or mother-of-pearl shells, or any thing they please, or they even sell it sometimes. These are the papers in which their charges are stated; they charge twelve per cent. on one account, and sixteen per cent. on another account, averaging together twenty-six per cent.

6483. Do the purchasers of tea meet with the same facilities of accommodation from the Company as the purchasers of other goods?—No, I certainly think not; the few sales that occur in the course of the year are a great inconvenience to the trade. In every other article in which there is such a large consumption, the sales occur daily and weekly, such as sugar and coffee and groceries; and whenever the trade has had an occasion to make any application to the Company, they have been disinclined to comply with it. They make a charge for lot money, which is much greater than is made by other importers; they charge 3*d.* a chest for lotting teas, and that produces about £6,000 a year to the Company; the lotting of the tea is done for their own convenience; and on many occasions the trade have applied to the Company for its remission, but without success.

6484. Are you of opinion that the opening of the trade from Canton, and doing away with the monopoly of the Company, would be favourable or injurious to your interests as a tea-dealer?—The brokers, who at present have a brokerage upon

the whole of the teas imported, wish generally the trade to be confined to this port. The dealers, I think, are divided in opinion; all of them would wish the trade thrown open if the imports could be confined to the port of London. My own opinion is, that it would be more for my personal interest if the trade was thrown open.

6485. Would it not be clearly for the personal interest of the tea-dealers in other parts of the country than London?—Decidedly. The objection felt by any portion of the trade here is, that tea-dealers in other parts of the country would be benefited at their expense.

6486. Have you any doubt that there would be a greatly increased consumption of tea, supposing the trade were thrown open generally?—I have no doubt at all of it.

6487. Do you think that teas of inferior quality would be obtained at a cheaper rate?—I have no positive facts on which to form that opinion; but the calculation of the Company's profit leads to such an inference.

6488. Have you any doubt tea might be imported at a much cheaper rate by private merchants?—I have no doubt of that; for the private merchant would be content with a small portion of the Company's profits.

6489. Do you supply any persons in Ireland with tea?—No.

6490. You are not aware of the state of consumption of tea in Ireland?—No. I am aware there are houses in London who purchased it for the consumption of Ireland, and that a very considerable quantity is purchased for Ireland.

6491. You have no means of judging whether a more or less increased consumption would take place in Ireland in consequence of opening the trade?—I think the consumption of tea would be generally increased if the quantity was increased.

6492. Can you state the difference between the wholesale and retail price of the different qualities of teas?—No; that is quite uncertain. In towns where there is a great competition the retailer is satisfied with a much less profit than he would be in cases where there was no competition.

6493. In London what is the per-centage?—I do not know; I am not a retailer, and I supply no London retail dealer.

6494. Whom do you supply?—We supply country grocers—the retail grocers.

6495. What is the highest price you pay for any tea you buy?—We buy all varieties, from 1*s.* 6*d.* to 5*s.* 3*d.*

6496. Is 5*s.* 3*d.* the highest price you have given for teas of late years?—No; occasionally a very small quantity may have sold at a higher price.

6497. Do you transact all your business through brokers?—

29 June 1830. — Mr. T. Mills.

We attend the sale room when the teas are put up, and nod to a broker, who makes the bidding.

6498. You bid through him, upon your own judgment; you do not trust to his judgment?—Of course we act upon our own judgment.

6499. What is the commission paid to the broker?—An half per cent.

6500. Are there many wholesale tea dealers in London?—Yes, there is a considerable number.

6501. The trade is not confined to a small number of persons?—No. I cannot give a guess as to the number, but I should say there may be three or four hundred.

6502. To what circumstance do you attribute the reduction which has taken place in the price of tea of late years?—To the increased quantity declared by the Company for sale.

6503. Do you not apprehend that the increased consumption of coffee has had a considerable effect in reducing the price of tea; that it has been used by the lower orders as a substitute?—Certainly.

6504. Do you apprehend that the increased consumption of coffee will be progressive at the present relative duties on tea and coffee?—I can hardly give an opinion; the consumption of coffee continues to increase every year; and I see no reason why the consumption of tea should not increase in the same ratio.

6505. If coffee increases in the same ratio, will it not displace so much tea in the general consumption of the country?—The population of the country is increasing; if the price of coffee was to decline, I think that would be very unfavourable to the consumption of tea.

6506. How much per cent. is the price of coffee increased by the duty?—The duty is sixpence a pound.

6507. What increase is that upon the price?—Coffee sells at all prices; it is impossible to tell; coffees are bought as low as 30*s.* per cwt.; the duty is 56*s.* per cwt.

6508. What is the highest price?—Mocha coffee sells for six guineas; the duty upon that is ninepence per lb., and on all East-India coffee.

6509. Can you say what is the average increase in price per cent. on coffee, in consequence of the duty?—No, I cannot.

6510. Of that quality, what is most usually consumed?—There is such a variety of coffee; I have bought coffee at 38*s.*, and coffee at £6.

6511. What is the rate of duty per cent. on coffee of the highest price?—It would be nearly one hundred per cent. on the cost of Mocha; £6 is a very high price.

6512. The highest price you have given for hyson tea is 5s. 3d.?—That was the highest price at the last sale; it has fetched more. 20 June 1830. Mr. T. Mills.

6513. What is the highest price you have given for black tea? There is a very small quantity of fine tea brought over by the private trade, and which comes over as presents.

6514. The question refers to that brought over by the Company?—Souchongs have sold at 4s. 9d.

6515. On what kinds of tea has the price fallen most?—I cannot give an opinion.

6516. How do you explain the circumstance of so large a quantity as fifteen or sixteen hundred thousand pounds of tea being refused by the trade at an advance on the upset price, and yet there having been a great increase on the upset price on the quantities sold?—Because that tea refused and put up at 2s. 1d. was not worth the price at which it was put up; other tea put at 1s. 8d. has fetched 2s. 5d.

6517. You attribute its rejection to its not being of the value at which it was put up?—Undoubtedly; it would have been bought at any sale at which it was rejected at very near 2s. 1d. or at 2s. 0½d.

6518. Are you not aware that some of that tea, which had been rejected as not being worth an advance on the upset price, has been sold at the next sale at a higher price than that at which it had been offered at the previous sale?—Not unless there was an advance in the price of teas of the same quality; generally the variation would not, in the opinion of dealers, shew the value of tea, for the reasons I have already stated.

6519. The Company have no controul over the quantity put up by their officers?—They know what that quantity will be, and they limit their own supply accordingly. They make up the quantity over and above the quantity sold by their officers.

6520. As the quantity of tea rejected by the public has increased very much of late years, do you apprehend that the quality of tea put up by the Company has been inferior, and that the upset price has been higher, in proportion to the value of the tea, than it used to be?—I should say there was, in every sale, a greater quantity than there used to be of what we call a fresh new tea. The teas are not so strong as they used to be.

6521. What do you mean by a fresh tea?—Those terms are used in the Company's character; it is a weaker tea; not a strong coarse tea.

6522. It does not mean that it is a young tea?—No.

6523. Is that tea, called fresh new tea, generally inferior in value to the price at which it is put up?—Not necessarily,

25 June 1830.

Mr. T. Mills.

because there are fresh new teas put up both at 1*s*. 8*d*. and 2*s*. 1*d*.

6524. Is it tea of that description which has been usually rejected?—Yes, frequently.

6525. Are you aware what the decrease of price had been, previous to the last sale, within the last six years?—No, I have not made a calculation.

6526. Have you estimated the net profit, in the manner in which you have estimated it for the last sale, in any previous year?—No, I have not.

6527. Are you aware whether the net profit on the last sale was greater or less than in June 1826, for instance?—No, I am not.

The witness is directed to withdraw.

Ordered, That this Committee be adjourned to Tuesday next, one o'clock.

Die Martis, 29° *Junii* 1830.

The LORD PRESIDENT in the Chair.

29 June 1830. Ordered, That this Committee be adjourned to Thursday next, one o'clock.

Die Jovis, 1° *Julii* 1830.

The LORD PRESIDENT in the Chair.

Mr. RICHARD SHAW is called in, and examined as follows:

1 July 1830.

Mr. R. Shaw.

6528. You are a manufacturer of bombasins and camlets at Norwich, are you not?—I am, of both.

6529. What is the difference between them?—A bombasin is made of silk and worsted, a camlet of all worsted.

6530. Which articles have you chiefly supplied the East-India Company with?—They buy principally camlets.

6531. Has there been an increase or a decrease in the quantity purchased by the East-India Company during the last twenty or twenty-five years?—I believe that there is a smaller quantity ordered now than there was twenty years back; I can speak to the trade for eighteen or nineteen years, during which I have been in it for the Company.

6532. To what extent has there been a decrease during that period?—I think from three to five thousand pieces a year. Formerly the Company's order was from fifteen to eighteen

thousand pieces a year; for the last eight or ten years there has been only twelve thousand each year, except one year, when there were fifteen thousand. 1 July 1830. Mr. R. Shaw.

6533. Is the manner of purchase by tender?—Yes.

6534. Is the lowest tender invariably accepted?—That I am not able to say; we very seldom know each other's tenders. They are not bound to take the lowest offer. I can show one of the circulars, if it is desired.

[*The witness produces the same, and it is read, and is as follows:*]

CAMLETS for CHINA, 1830-31.

Sir, East-India House, 28th Oct. 1829.

I am ordered by the Committee of Buying and Warehouses of the East-India Company to acquaint you, that the Committee will be ready on Wednesday the 18th of November 1829, at eleven o'clock precisely, to consider tenders (sealed up) for supplying the Company with 12,000 pieces of camlets, upon the following conditions and stipulations, *viz.*

2. The camlets are to be of the following rates, weights, and dimensions, *viz.*

	Chain Score.		Shoot Dozen Skeins.		Shoots to an Inch.	Weight.				
						lb.	oz.		lb.	oz.
Doubles..........	23	4	29	4	50 Double ..	19	12	to	20	0
Singles	21	4	14	9	51 Single ..	19	8	to	19	12
Second singles....	16	4	13	6	47 Single ..	19	8	to	19	12

3. Every camlet must measure 55 yards in length, of 37 inches to the yard, and be full 30 inches in width; the selvages are to be without stripes, and every piece must have two roses at each end, with the manufacturer's name or mark inserted at one end.

4. The goods are to be boiled, so as to render them soft and pliable, and they are to be well finished in every respect. The threads of the camlets must be round and even, and the texture of the weaving close. The colours must be sound and brilliant, free from cloudiness, and correctly match the Company's patterns, to which the most scrupulous conformity will be required.

5. The camlets are to be forwarded made up on boards exactly 16 inches wide; the boards must be free from turpentine, well planed, and papered all over; all folds in the goods must be avoided, and they are to have the ends slightly tacked, in order to keep them smooth.

6. The tenders must express a separate price for camlets of each quality and colour, as the Committee will not engage to take the whole quantity which any manufacturer may offer at an aggregate or average price, but will buy such respective colours and quantities as may be tendered at the cheapest rates. Every manufacturer must consequently offer so many blacks, so many purples, &c., at a separate price for each, the Committee having the option of taking all or any portion of the colours.

1 July 1830.

Mr. R. Shaw.

7. The deliveries are to commence on the 1st of March 1830; and end on the 31st of December 1830, in ten equal monthly proportions. No charge to be made for carriage to London, nor for cartage to the warehouse.

8. The opinion of the Company's overlookers as to the quality and colour of the goods shall be final; and the overlookers shall be at liberty, should they see it proper, to cut off one of the roses of any of the camlets which they may reject, in order to prevent such camlets from being again sent into the Company's warehouse for re-inspection; and the Committee desire it to be most distinctly understood, that they will not enter into any discussion upon the merits of camlets which the overlookers may reject or may pass at abatements.

9. An abatement of five or ten shillings will be made upon any piece which may be found slightly defective in quality, colour, or in any other particular; but any camlets which in the opinion of the overlookers are unfit to be passed, will be peremptorily rejected, and must be immediately replaced with approved goods; but in case of a large proportion being objectionable, it shall be at the option of the Company to return the whole parcel, nor will they be received at the end of the season at a reduced price, as has sometimes been the practice.

10. The wrappers and packing materials of every description (except the boards upon which the camlets are made up) will be returned direct to the manufacturers, unless used up in packing the returned camlets, for which the overlookers are to receive six-pence, and no more, for each camlet.

11. Payment for the March delivery will be made on the first Thursday in May 1830, provided the goods shall have been duly delivered within the time fixed, and so on for each monthly delivery; but all payments will be withheld from persons who may be in arrear with their monthly deliveries, until such arrears shall be made good. The usual office fee of one shilling upon each camlet passed to account will be deducted from the amount of each bill of parcels.

12. All tenders must be delivered at the office of the Committee of Buying and Warehouses, in the East-India House, before eleven of the clock on Wednesday the 18th of November 1829. Many persons not having been careful to send in their offers at or before the time appointed, it is positively ordered that no tender be received after the above-mentioned day and hour; and this will be strictly observed by the Committee.

13. All goods which may be delivered in consequence of the present circular will lie at the Company's risk, in case of the calamity of fire.

14. The Committee reserve to themselves the right to reject any proposals which they may deem to be unreasonable, although such proposals may appear to be the lowest and most advantageous which may be offered.

15. The accompanying form must be adhered to; for which purpose you will please to copy the printed letter, and fill up the blanks, and sign the same, and by no means substitute any other form of

tender. You will please to write on the cover of your letter, "tender for camlets." 1 July 1830.

Mr. R. Shaw.

16. The camlets now wanted, provided the prices required shall be approved by the Committee, are as follows:

Camlets, Double.

	Pieces.
Ash	20
Black	400
Light Blue	140
Mazarine blue	480
Dark brown	20
Red brown	140
Purple	560
Scarlet	200
Deep yellow	40
Total doubles, pieces	2,000

Camlets, Single.

Ash	60
Black	1,200
Light blue	420
Mazarine blue	1,440
Dark brown	60
Red brown	420
Purple	1,680
Scarlet	600
Deep yellow	120
Total singles, pieces	6,000

Camlets, Second Single.

Ash	40
Black	800
Light blue	280
Mazarine blue	960
Dark brown	40
Red brown	280
Purple	1,120
Scarlet	400
Deep yellow	80
Total second singles, pieces	4,000

I am, Sir, your humble Servant,
Wm. Simons.

All persons making tenders are required to insert their place of residence at length: if in London, the street must be named; and if in the country, the next post town must be also specified, unless the place itself be a post town, in which case the parties will notice that particular.

1 July 1830.

Mr. R. Shaw.

To the Honourable Committee of Buying and Warehouses of the East-India Company.

Honourable Sirs,

We hereby offer to supply the East-India Company with the undermentioned camlets, or any part thereof, at the prices set against the same; to be subject to the conditions and stipulations contained in your letter dated the 28th October 1829.

CAMLETS, Double.

	Pieces.	At per Piece.
		£. s. d.
Ash		
Black		
Light blue		
Mazarine blue		
Dark brown		
Red brown		
Purple		
Scarlet		
Deep yellow		
Total double camlets		

CAMLETS, Single.

	Pieces.	At per Piece.
		£. s. d.
Ash		
Black		
Light blue		
Mazarine blue		
Dark brown		
Red brown		
Purple		
Scarlet		
Deep yellow		
Total single camlets		

CAMLETS, Second Single.

	Pieces.	At per Piece.
		£. s. d.
Ash		
Black		
Light blue		
Mazarine blue		
Dark brown		
Red brown		
Purple		
Scarlet		
Deep yellow		
Total second single camlets		

We are, Honourable Sirs,

Dated at
this November 1829.

Your humble Servants.

6535. Is the quantity of goods that is rejected by the Company considerable?—Very considerable.

6536. What is the nature of the inspection to which the goods are subjected on delivery; is that inspection carried on with fairness and with discrimination?—Certainly not; I offered to prove that last year, but the committee would not hear me.

6537. What committee?—The committee for buying at the East-India House.

6538. In what particular do you consider their mode of inspection defective?—I have had many hundreds of pieces returned which were from five to ten per cent. better than the patterns given me to work by.

6539. Have you known any instances in which goods have been returned by the Company without any obvious fault?—Yes, many instances of it.

6540. Have you ever known those same goods at a subsequent period passed?—Yes; about last May and June I received back a great quantity of goods which I knew had never been taken off the boards, nor ever examined; I dressed them again, and sent them back without any alteration, and a great many of them passed, and at the full prices.

6541. Have they always the same examiner?—There are three gentlemen overlook them.

6542. The goods the second time may have been before a different examiner?—That I cannot speak to.

6543. Have you had any opportunity of knowing whether those examiners, who have rejected the goods in the first instance, have been long in the employment of the East-India Company?—Two of them a considerable time longer than I have been a manufacturer for them; the other has been appointed since, I think some seven or eight years since. One of them, I think, has been there these forty years.

6544. Are camlets always delivered to the Company in a dyed state?—Yes, in a dyed state; different colours, according to their order.

6545. Is there any demand for camlets for the private trade?—There is a demand for what we call a private trade, a trade conducted by the Americans chiefly.

6546. Is that demand on the increase or the decline?—I think on the increase very much.

6547. During what period has it been so?—In 1821 the increase began to be very much, and from that time I believe it has increased yearly.

6548. What is the comparative quality, length, breadth, fineness, and weight of the camlets that are intended for the last-

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named trade, compared with the East-India Company's camlets? —I know of no difference; I have always made them alike, the same for the private trade as for the Company's trade; and indeed, when I made the camlets, I did not know whether they would be for the Company's or the private trade. They are always made in a white state, and I make a stock ready; and if I take an order for the Company, I dye them for the Company. The goods are quite equal.

6549. Have you reason to think that, in point of fact, the goods purchased by the private merchants are chiefly such as have been rejected by the Company?—Certainly not; not one-tenth of what the private trade take have been rejected by the Company.

6550. Do you receive exactly the same price from the private merchant and the Company for the same goods?—We make the best bargain we can; provided we have a few returns in the house, we sell them somewhat cheaper; and I had rather always take an order from the private trade than for the Company, we are subject to so many deductions and returns.

6551. What does the difference amount to?—From five to seven and a half per cent.

6552. On the whole account?—Yes; the deductions last year from my order for the Company were £1,231. 10*s.*, or thereabouts; the expences upon the returns, meaning carriage, &c. from London to Norwich, £366; the fees that I paid the Company were £542.

6553. Of what nature are the fees?—There is a shilling a piece deducted for office fee, and we pay sixpence per piece for the rejected camlets, for the packing for returning.

6554. Is that sum of £542 the fee you paid for the whole you furnished?—Yes.

6555. How many pieces were rejected?—I am not able to say that exactly; I should think from 4,500 to 5,000 pieces—better than 4,000 pieces certainly.

6556. Although the rejected pieces form but a small proportion of the quantity that is supplied to the private traders; in point of fact, have such pieces been frequently sold to the private merchants, and have they been exported by them to advantage?—Certainly.

6557. Is there any variation in the colour of the goods that are ordered by the private merchants and those that are ordered by the Company?—Very little indeed; there is one colour which the Company order, what they call light blues; the private trade order middle blues, meaning a little darker in the colour only.

6558. Do you think, from the degree in which the manufac-

turers are exposed to loss and vexation by the rejection of their goods by the Company, that the private merchant might buy on equally favourable or more advantageous terms than the Company?—Certainly.

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6559. When you ask that additional price of five or seven and a half per cent. from the Company, in consequence of the power of rejection which is stipulated for, do you calculate likewise on what you pay in fees to them?—We calculate every thing; we are obliged to do so.

6560. That covers the probable difference between selling to them and to others?—Yes.

6561. What is the value of a piece of camlet at the present moment?—According to the different colours; I should think the blacks are 76*s.* or 78*s.* per piece.

6562. Upon that you pay 1*s.* as office fee?—Yes, we do; then the overlookers have the liberty, if they think a piece a little inferior in quality, of deducting five or ten shillings from the price agreed by the Company. If I make my contract at 76*s.* or 78*s.* for blacks, if the overlookers consider a piece inferior in quality five or ten shillings, they will deduct five or ten shillings from that piece.

6563. They tell you you must take it back again, unless you deduct that amount?—No; they have the authority of deducting it themselves.

6564. If the pieces are still worse, they then reject them?—Yes.

6565. Do you furnish other goods instead of them?—In many instances the same pieces again, and they will pass.

6566. Do you pay the same fee upon them again?—No; there is no fee unless they pass, and sixpence for the repacking of those which are returned.

6567. Are there any instances of the Company defacing or marking goods that have been offered to them, in a way which shews they have been offered to them and rejected?—Every piece of goods which is dyed for the Company have what is called two roses marked at each end; the Company from their circular and the contract they make, have the liberty of cutting one of those marks off, which never can be put on again, which injures the piece very much.

6568. Do they often do that?—I had many hundreds lost last year.

6569. Have you found that always makes the piece very unsaleable, except at a great dimnution of price?—Certainly.

6570. Have you found that such goods have been purchased by the Americans?—Yes, and others.

6571. What proportion do you conceive such pieces bear to

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the whole number that are supplied to the Americans?—Not one-tenth part.

6572. Have you yourself been much in the habit of selling manufactured articles to the Americans?—I think from 1821 up to 1828 I did nine-tenths of all the private trade which went from England. It was in 1821 the private trade began to increase very much; and from that time up to 1828, I think I may say I did nine-tenths of all the private trade in that article for the American trade to China.

6573. Have you found them in general as attentive to the quality of the goods which they purchased as the East-India Company?—I never sent any in or completed an order without their being inspected by some overlooker in London.

6574. They purchase through English agents, do they not? —One or two of them; there are one or two American gentlemen give me orders, and they order the goods to be sent to their packers to be overlooked.

6575. Are there any other circumstances besides those you have mentioned, which lead you to think that the East-India Company purchased their goods at a much dearer rate than the private merchants?—No, I do not know any other circumstances than those I have stated; we are always obliged to guard against deductions, five or ten shillings a piece, which we are subject to, and for the returns for which we are obliged to make our prices to the Company higher than they otherwise would be.

6576. You stated that there had been a diminution in the demand of the East-India Company of late years; have you ever received from them any complaint as to the quality of goods which you have supplied, which could at all account for that diminution?—Never.

6577. The Company rejecting so many pieces, and the private merchants rejecting very few, do you apprehend that what remain to the Company would sell at a higher price than those purchased by the private merchant; that they are really better? —So trifling, that none but a good jndge can know; for a camlet is an article which has been made such a number of years, and we have such specific directions how many threads to the inch, and how many shoots across, and so on; if one piece is not so good as another, it is by a journeyman not making it so well.

6578. What has been the reduction in the price of camlets during the last ten years?—I have had 140 shillings for the double camlets, and now we are making them at 78, and as low as 76.

6579. To what circumstances do you attribute the reduction of price?—The better methods of making the yarns. Twenty years ago we were obliged to use handspun yarns; now the mills

will spin the yarns with greater facility, and much cheaper than they were then. 1 July 1830.

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6580. Is that the sole cause of the reduction of price?—No; I believe wool is much cheaper.

6581. How far does the reduction in the price of wool enter into the reduction in the price of camlets?—It all depends on the difference of the price of wools; if it is threepence a pound, it makes a difference of five shillings on a piece of camlet; but every thing is cheaper; we formerly paid double the price for dyeing which we now do. The price of dyeing materials and the labour of dyeing is all down.

6582. Can you specify the portion of the reduction of price which is to be attributed to each of the several circumstances you have mentioned, and to any others you have not yet adverted to; can you say how much is to be attributed to the introduction of machinery, how much to the fall in the price of wool, how much to the fall in the price of dyeing materials, and so on?—I am not able to say that exactly.

6583. Can you make out such an account?—The dyeing, I think, makes a difference of ten shillings a piece less than it was ten years back, in some colours; not in blacks.

6584. How far does any diminution in the price of labour enter into the comparison?—The labour is now as high as it was; it has never been lessened at all for weaving.

6585. Do you look forward to any further diminution in the price of camlets?—I do not think it likely at the present moment; the price must be increased, for wool is getting up. Wool has risen within this last two or three months.

6586. How much?—I think about five per cent.

6587. Are they made upon long or short wool?—Long wool.

6588. Do you consider the quality of the camlet equal to that it was ten years ago?—Better.

6589. So that a better article is furnished at a much lower price?—Yes, at a little more than half the price.

6590. At what do you reckon the improvement in the intrinsic value of the article?—I think more than five per cent.; but where there is a quantity of pieces made, there will be five per cent. difference only in workmanship of different weavers.

6591. Do you use nothing but long wool in the manufacture? —Nothing but long wool; we cannot use short wool.

6592. Have not you found that the decreased price has led to an increased demand for goods?—I should think it has; in the case of bombasins and other articles it has been so. I cannot account for the increased demand for camlets otherwise; it may be from the difference in the price.

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6593. How do you reconcile the diminution of demand on the part of the East-India Company with the increased demand on the part of the Americans?—I am not able to answer that question; I suppose the Company find things that pay them better than camlets, or they would send more of them.

6594. Have you any opportunity of knowing whether the diminution of demand on the part of the East-India Company is owing to the manufacture of woollen articles on the continent for that market?—I am not able to say a word, except as to my own manufactures. I have no knowledge of any thing else.

6595. As your dealings with the Americans have been free from some of the inconveniences to which you have been subject in your contracts with the East-India Directors, do you upon the whole prefer them as purchasers to the East-India Company?—Certainly.

6596. Are there more camlet weavers now than you can find employment for in the city of Norwich?—Yes, many more; there are a great many out of employment at this present moment.

6597. Can you state at all what proportion those out of employment bear to those now in employment?—I should think that one-third of the camlet weavers are out of employment.

6598. And yet the wages of those in employment are the same as they were ten years ago, the price of provisions being so much cheaper?—Yes; the prices have not been lowered, and I should think that they cannot be much lowered; it is a very laborious employment.

6599. What is the average of their earnings?—I should take the average of their earnings to be from twelve to fourteen shillings a-week, from which there are some little expenses to pay.

6600. Were there a great number of them out of employment ten years ago?—Yes.

6601. Was there about the same proportion?—Yes, I believe so; the camlet has been chiefly made at Norwich this year; the Yorkshire manufacturers have got a part of the Company's order; they had a part of the order in 1826; they were not able to get through with it, and I completed the order for them.

6602. In what part of Yorkshire?—I think it is at Halifax, or near.

6603. In what year had the camlet weavers full employment?—In 1822. I was then obliged to teach a number of men; there were not camlet hands enought to complete the Company's orders, and the private orders I then had, which were very large.

6604. Has there always been a number of manufacturers out

of employment except at that time?—It is only a certain number of hands that can weave the camlet; there are many weavers in Norwich who cannot weave the camlet. They must be strong men; it is hard work.

6605. When they were in full employment in 1822, what were their wages?—They did not earn more money: such men as are at work can earn that I have stated, but there are a great many now who have no work.

6606. Have you any reason to suppose that a free trade to China and the East-Indies would increase the trade in camlets?—I cannot speak to that, except that the private trade has been increasing for some years, and that if the English gentlemen were enabled to go there, I think there would be more goods sent; I know some English gentlemen who would be willing to send, but who are now obliged to send to Sincapore.

6607. Have you sold many that you knew were going to Sincapore?—Yes, a great many thousands.

6608. Is that trade increasing?—I think it is; it has increased within the last year very much.

6609. Do you know whether any foreign merchants, Dutch or others, export British manufactures?—I believe they do. I have had one or two orders to go to Germany, which I understood were for the China market.

6610. Have you ever heard whether any Chinese merchants themselves have sent any orders to this country for goods?—I am not able altogether to speak to that point further than this, that a gentleman was in England some four months back, who gave me an order for two thousand pieces of camlets. It is for us to see how the goods are to be paid for; he proposed to give me a letter of credit on a respectable house in London from one of the Hong merchants, in part payment, and I understood from a gentleman who ordered them, that the camlets were for this Hong merchant; I took that in part payment, and took the acceptance of the gentleman who gave me the order at eighteen months, with a lien on the goods till the money was paid.

6611. Do you suppose that order from the Hong merchant to be the only one which has reached this country?—I never heard of one before, nor ever saw a letter of credit from a Hong merchant before.

6612. You satisfied yourself that that letter of credit was such as it was prudent to accept?—Yes, it would have been so here, but that the exchange was against it.

6613. Do you recollect the name of the Hong merchant?—I believe it was one of those that failed afterwards; but it was before his failure, and I had a lien on the goods.

6614. When was this order given you?—I think in February

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last, and I completed it on the 10th of April; the goods are gone.

6615. You consider the transaction as a perfectly safe one for yourself?—Certainly; I sent out the letter of credit through my agent in London.

6616. Were the camlets you were desired to make for the Hong merchant on his account, directed to be of the same quality and appearance as those made for the East-India Company?—My contract was exactly the same for quality, equal to the East-India Company's tendered patterns.

6617. Are the goods you manufacture for the private-trade of the same quality and marks as the East-India Company's goods?—Exactly so, imitated in every respect.

6618. Do the Company and private merchants pay ready money, or by bills at a certain date?—That depends on the agreement; if we make an agreement to take bills, and I have taken many on respectable houses in England, they add the interest on the bills. There are one or two houses I take a great deal of money from, who will not permit a bill to be drawn; if we cash it, we agree for the credit, and discount it at once.

6619. How do the Company pay?—We deliver the goods monthly to the Company, which are looked over in March, and paid for in May.

6620. Have you reason to suppose that any other Hong or Chinese merchants at Canton are likely to follow the example of the individual you have referred to?—I am not able to answer that question.

6621. Have you heard of any considerable manufactories of camlets on the Continent of Europe?—No; there is a manufactory at or near Dresden, I believe, but they are a different kind of manufacture; they are called camlets, but they are what we call mohair; they make about 7,000 pieces a year. The mohair is purchased in England, and sent to Holland to be manufactured there.

6622. Is there any manufactory in Saxony of camlet made of a finer species of wool than is manufactured at Norwich?—No; I have made the finest that ever were made, to be sent out as presents to the Hong merchants.

6623. Do you happen to know whether there is much interest felt at Norwich about opening the East-India and China trade?—I believe they would like to have it opened; I speak from the opinion of a good many of them.

6624. Has there been any petition to Parliament from the camlet weavers on the subject?—No.

6625. How do you account for that?—I am not able to say,

except that the masters have not taken it up, and that the journeymen dare not take it up without their masters set the example. 1 July 1830. — *Mr. R. Shaw.*

6626. Do you think it is in part owing to the masters being generally employed by the East-India Company?—Certainly.

6627. You think that, if they had not received orders for manufactured articles from the East-India Directors, they would have petitioned?—I am not able to say that; but if the masters had taken it up, there would have been the signatures of all the men.

6628. Do you know whether, within the last two years, those orders have been more distributed among all the manufacturers than they were formerly?—It depended on the tender; last year I had an order for 10,848 pieces out of 12,000 myself; this year it is distributed amongst them all.

6629. Had it been usual before to distribute it among them all?—In 1824 I had 10,800 of them, and since that it has been distributed among the different manufactures till last year, when I had the greatest part of them again.

6630. You have stated that there is a manufactory at Dresden of camlets; are they manufactured of wool from this country?—One half is of wool, I do not suppose from this country, and the other half of mohair.

6631. You stated that a part of the Saxon manufacture is of very fine wool; that is the wool of the growth of that country?—Yes.

6632. Have you used any New South Wales wool in your manufactures?—No, I never use foreign articles, except that sometimes we use the merinos in making very fine bombazins for Spain; it is chiefly Lincoln and Leicester for the camlets.

6633. Do you know any thing of the manufacture of shawls at Norwich?—Yes.

6634. Has there been any large number of them sent out to China?—Not a large quantity; I should think there have been some sent out for the last five or six years.

6635. Do you think the demand for them has increased of late years?—I think it has.

6636. That is, comparatively speaking, a new manufacture at Norwich, is it not?—No, fifteen years back I did a great deal in the shawl trade; it has been going to Glasgow; the Scotch have got it principally now, but there are some still making at Norwich.

6637. Are there any other woollen goods besides camlets for which there is an increasing demand at Norwich for the American trade?—Yes, there is a plaid made called the Scotch plaid; there is occasionally a very great demand for them in America.

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6638. Are there any other woollen goods manufactured at Norwich?—No, not of any consequence.

6639. Are crapes woollens?—Crapes are wool one way, and silk another.

6640. Have any new colours been introduced, or any new combination of colours, into the manufacture of camlets of late years?—No, I think not; there are no more colours now than there were. There have not been any rose pinks in the Company's orders of late.

6641. Do you ever adopt new colours or combinations of colours on speculation, or do you wait for an order?—We always wait for an order.

6642. You never receive any patterns of foreign camlets?—Never but once in my life; that was a colour they call the Esterhazy; they wished me to make two or three pieces as presents for the Hong merchants.

The witness is directed to withdraw.

Ordered, that this Committee be adjourned to Tuesday next, one o'clock.

Die Martis, 6° Julii 1830.

The Lord President in the Chair.

Captain RICHARD ALSAGER is called in, and examined as follows:

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6643. What is your profession?—A sailor. I have been nine voyages as an officer in the Company's service, and five as a commander.

6644. You have been fourteen voyages in all?—Yes; and one as a midshipman also.

6645. Were those voyages all to China?—No, only nine; five as an officer, and four in command of the Waterloo, a Company's ship of 1325 tons.

6646. Did you rise to the command of a ship after nine voyages?—Yes, I did.

6647. What are the rules of promotion in the Company's merchant service?—One entire voyage to India before a person can be sworn in as fourth mate, two voyages before he can be third officer, and one as chief or second, in all four voyages; that is the most rapid rise which can take place in the Company's freighted service previous to obtaining a command.

6648. Is that what is called a seniority service?—No; the Company's own service is a seniority service; not the freighted.

6649. In that service you rose in nine voyages to the situation of commander?—I did. 6 July 1830.

6650. What is your remuneration as commander?—The allowance from the Company is £10 a month, and we are allowed 56 tons of privilege, and an indulgence on what is called the victualling bill; that is, room for stores for the commander's table. The commander victuals the chief and second officers, the surgeon and the purser. Capt. R. Alsager.

6651. Do you mean 56 tons out and home?—Yes.

6652. That is merely an accommodation, not convertible into money?—It is considered by the Company as an indulgence, and supposed to remunerate the commander for the expense of victualling the four officers, which are ordered to be accommodated at his table.

6653. If you desired to sell your tonnage out and home, what could you have got for it?—Within these two voyages a very small sum; I can hardly say how much. I have merely heard of £30 a ton all round for the commander's privilege; but I never had any thing offered to myself, and I never knew of a commander's privilege being sold, except from hearsay.

6654. The inferior officers sell their privilege tonnage, do they not?—As a commander I have bought it, that they might pay more attention to the duties of the ship, and I have given them a sum that I did not expect to gain by, but that they should not be losers for not trading.

6655. What have you given?—I have given £40 a ton to India, China, and including the voyage home; but I have never made any thing by it myself.

6656. What outward investment have you carried to China?—I have had the good fortune to obtain double voyages the last four as a commander.

6657. By double, you mean a circuitous voyage?—Yes.

6658. What was your investment to India?—It was a variety of staple articles and manufactured piece goods, and such a variety I can hardly enumerate them.

6659. What was your investment from India to China?—Cotton chiefly.

6660. Have you ever gone direct to China?—No, I have not, as a commander.

6661. Was the cotton from India to China a profitable investment?—One voyage I lost money, and a second it was not very profitable; the last voyage it was profitable; the cotton bore a good price in the China market.

6662. What are your homeward investments?—Tea, raw silk and nankeen.

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6663. In what proportions did you invest in those three articles?—Tea is a bulky article; we can invest only about £6,000 in the commander's privilege, if he fills it entirely with tea.

6664. You prefer the less bulky and more valuable article? —Yes; when our funds are large in China, we are obliged to have recourse to them to get our remittances home.

6665. Did you invest largely in silk?—About £7,000 the last voyage.

6666. How many tons did that occupy?—About seven tons.

6667. Was it a profitable investment?—I made a very good remittance; about 4*s*. 10*d*.

6668. In what year was that?—1826.

6669. You mean that the dollar was remitted at 4*s*. 10*d*.?—Yes; I reckoned it as 5*s*. in China, but 4*s*. 10*d*. was considered a good remittance.

6670. Was the investment in tea profitable?—After deducting the expenses and 25 per cent. upon the gross amount of sales, it gave a profit of about £1,500 on £6,500.

6671. Was that greater than the profit on the silk?—Yes, greater.

6672. Notwithstanding the taxation of the 25 per cent.?—Yes.

6673. In order to compare that profit with the profit which could be made by an individual, you would have to deduct the charges of freight both ways?—In reckoning the profit upon my tea, I made no charge for my own privilege tonnage, but only on that which I purchased from my officers, and which I considered a fair charge of merchandize.

6674. What was your profit on that portion of the investment which was in the tonnage of the officers which you purchased?—None at all; I did not look for a profit.

6675. Upon the whole speculation, what should you consider the profit?—Taking the voyage round, and paying all expences till I came clear home, about £5,000 is, I think, a very fair average voyage; sometimes more, sometimes less.

6676. What per-centage would that make on the capital invested?—My capital was very large; £50,000.

6677. In what manner do you calculate your profit made on the two transactions, that of the outward cargo and that of the homeward cargo; how do you compare your original purchase money in England with the produce of your investment when you arrive again in England?—We reckon the voyage round, from the first investment, till it returns home again, and is paid in as cash in England.

6678. You consider the whole as one transaction?—Yes;

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because when we arrive in India we sell our investments, reckoning the rupee at 2s. 6d. (or eight to the pound sterling), and the dollar at 5s. (or four to the pound sterling;) they are not worth so much, but it simplifies the transaction; consequently we stand with a larger nominal capital in India and China than we really possess; therefore the net profit can only be ascertained when the capital is realized at the end of the voyage in England.

6679. With whom did you transact business at Canton?—With Howqua, the first of the security merchants. He is a man of large property, and I have always been anxious to deal with him. The commander whom I sailed under dealt with him, and Howqua considered me as an old friend; he has always taken my investment, so that I have had no trouble.

6680. Have any other captains experienced any trouble?—I have heard that several of them, to obtain a higher profit, sold to the outside merchants; and they have had bad teas in their investments to England, and also found difficulty in getting their money for the goods they sold.

6681. Did you ever export to China British manufactures?—In going circuitously I endeavoured to sell them in India as the first market.

6682. Did you ever purchase any at Sincapore, and take them on?—Never.

6683. Was it the habit of any captain to do so?—Not those I have known.

6684. Were you enabled, during your residence at Canton, to ascertain whether the sale of British manufactures there by individual merchants was productive of profit?—The market lately, I think, has been a great deal glutted; and although English goods have fallen in England, they have not produced an equivalent profit in China, but have fallen in proportion in China to what they have done in England.

6685. Have they fallen in the same proportion?—I should think rather more; we are in China a very short period, and have no sooner delivered our outward cargo than we are under the Company's orders to take in our homeward cargo; and we have not the power which those in the free trade have of staying as long as suits them; we seldom stay in port more than four, five, or six weeks.

6686. Did you ever take bills on the Company in England?—Latterly the Company's treasury was opened so very low, that I preferred taking home an investment of goods to bills drawn at the rate of 4s. 3d. and 4s. 4d. a dollar, and lately 4s.

6687. What quality of tea have you generally brought home

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in your investment on your own account?—That depends entirely on the fancy of the individual; my purser, who is a man of business, had a great fancy for pekoe tea, which is a scented black tea; four-fifths of pekoe and one-fifth of hyson or gunpowder is what I have generally brought home.

6688. Has it been generally a better or an inferior quality as compared with the Company's teas?—The staple teas of the Company's are certainly better; but those I purchased are fancy teas, which the Company would not meddle with; they are beneath their notice; they are in small quantities in the market.

6689. It was your interest, having but a limited amount of tonnage, to purchase those teas which were of higher value?—I purchased those that I thought would give me the best profit.

6690. Have you found, in the course of your experience, any change in the taste of the public here as to teas, which has induced you to make any change in your investment?—In the four voyages I have been a commander I have generally dealt in the fine green and scented black teas; others have fallen into my steps during the last voyage, and the price of those teas rose very much in Canton; it is merely a speculation.

6691. You say that that part of the investment which consisted of English manufactures you disposed of in the ports of India in preference to China?—I thought I could make a better sale in India, compared with China; and besides which, there was another opportunity of turning the capital between India and China.

6692. Have you ever carried any English manufactures to China?—A very small quantity.

6693. When you did so, did you find it easy to dispose of them?—They were some I could not get rid of in Bengal, or in the short time I stopped at Sincapore; so I took them as a forlorn hope to China.

6694. What did they consist of?—It was a few bales of coloured handkerchiefs.

6695. Did you dispose of them to a profit in China?—No, reckoning the dollar at 4s. there was no profit; I did not get prime cost.

6696. Did you ever take any woollens?—No.

6697. In respect to that you disposed of in India, was it a description of articles for the use of the Europeans, or of the natives?—The piece goods were chiefly for the native consumption; it was manufactured cottons.

6698. The rest of the investment consisted of articles for the Europeans?—Yes; in a variety of cloths, and a variety of shop articles.

6699. Do you know of any other officers of your ship, or

commanders who have taken out any woollen goods to China?—I have heard of several; but we keep our own transactions a good deal to ourselves; I think there is not much open communication between us as to what we are doing. I am aware that they have done it, but I cannot say what profit they have made by it.

6700. The ship in which you sailed, the Waterloo, was of 1300 tons?—Yes, it was.

6701. What was the rate of freight of your ship?—She is one of the Company's own ships; they put a nominal freight upon her; I believe the average of the season in which she was built; I have but little knowledge of the freight and charges; my duty is to sail the ship as economically as I can, and obey the Company's orders.

6702. Are the Company's own ships equipped in the same way as those they hire?—Yes.

6703. Is that equipment more complete than that of a man-of-war, going on so long a voyage?—I should think not. The ships are well-found, but not more amply than necessary. I have only had the command of a ship since the peace, and I have been fortunate enough to make very good passages, and there has been a surplus of provisions left at the end of it; but considering the length of the voyage, and the uncertainty of wind and weather, there were no more than were requsite for the voyage.

6704. What is the number of the men?—One hundred and thirty-five men; that is, one hundred and thirty, and five to cover casualties; and five marine boys.

6705. What is the number of guns?—Twenty-six guns.

6706. Of what calibre were they?—Twenty eighteen-pounders; not long eighteens; they are about six feet six inches long; what we call the middle class gun—the ship gun; and six thirty-two pound carronades.

6707. With that number of men, could you have fought both sides of that ship in action?—I am afraid not.

6708. Could you have fought one side if it had been blowing fresh?—I hope we could.

6709. To what sized privateer or man-of-war should you have considered yourself equal in point of strength?—I should hope we should have been able to compete with a privateer of equal number of guns, being higher up in the water than they are.

6710. In a heavy sea?—Yes, I should think so.

6711. Would not a privateer have had guns of much smaller calibre if she had twenty-six guns?—I think several of the French privateers in the late war had one or two long guns, and they had an advantage over our ships on that account.

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6712. Do you know of any privateer of twenty-six guns carrying eighteen-pounders?—I think the Blonde was probably twenty-six, or she might carry thirty; she had eighteen-pounders. I think they would prefer a long gun or two, that they might disable a ship at a long distance, without coming to close action.

6713. If any privateer with which you have been engaged had had guns of a very much smaller calibre than you had, would not you have a very great advantage over her from your height in the water?—Yes, if she came within reach of us.

6714. What are the duties paid upon a ship of 1,300 tons at Canton?—Rather more than 4,000 ounces of silver; about £1 a ton, I think it is, in round numbers.

6715. What proportion of that sum of 4,000 ounces of silver is paid for the ship, without reference to her size?—Nineteen hundred and fifty tales; that is what is called cumshaw, which is given generally for all ships, without any allusion to her size.

6716. That is the same on all ships?—I believe it is the same on all ships.

6717. With that exception, the duty is according to the measurement?—Yes; it is a peculiar mode of measurement.

6718. As regards that mode of measurement, do you apprehend that the portion of duty which is paid upon the size of the ship is greater in proportion upon a smaller ship than it is upon a larger one?—The returns shew that it is; on a ship of 1300 tons it amounts to £1 a ton, on a 500 ton ship about £2 a ton, the entire port charges.

6719. The question refers to that portion of the port charges which depends upon the measurement of the ship?—I suppose it would come to double.

6720. That would be in proportion to the size of the respective vessels?—It is partly in proportion to the number of tons, for there is a greater space unmeasured in a large than a small.

6721. Is that proportion unmeasured in proportion to the size of the ship?—The distance from our fore-mast to the bows, which is unmeasured, and from the mizen-mast to the taffrail, is double what it is in a small ship; then the depth of the hold is seventeen feet instead of twelve, that is not measured; which makes the charges on a small ship double.

6722. If the one is 500 tons, and the other 1000 tons, they would be the same per ton?—The Company's ships of 1300 tons bring home on an average, including private trade, 1,500 tons of tea; average charge for measurement in China, 2,300 tales; cumshaw, 1,950 tales; total charge, 4,250 tales; not

quite £1 per ton (3 tales). The Surrey of 448 tons:—charge for measurement 1,253 tales; cumshaw, 1,950 tales; total, 3,203 tales; about 7¼ tales or £2. 10s. per ton. The Earl Spencer of 521 tons:—charge for measurement, 1,511 tales, and 1,950 tales cumshaw, making 3,461 tales, (6⅔ tales) £2. 4s. per ton.

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6723. In making that calculation you include the cumshaw?—Yes: every thing.

6724. What is the difference in freight between a ship of 500 tons, and a ship of 1200 tons?—There are three ships which have performed their six voyages, with nearly a full equipment, at £18. 19s. per ton.

6725. What would be the freight of a ship of 500 tons?—The last tender for four ships was £13. 18s.

6726. Was that tender for the circuitous or the direct voyage?—The direct voyage.

6727. The difference, therefore, is £5 between a ship of 500 tons and that of 1200 tons?—Yes.

6728. Deduct the £1 for the difference of duties, and the difference would still be £4 between the large and the small ship?—Yes.

6729. As an Indian merchant, should you prefer sending your goods to China by a small or a large ship?—I am afraid, in a pecuniary point of view, I must yield in favour of the small; but there are advantages in favour of the large ship which I think may counterbalance whatever difference there may be in a pecuniary point of view; they are more roomy, healthy, and are good sea boats, easily manageable, and imposing in their appearance: they carry a surgeon and a surgeon's assistant: the Company's instructions, and the mode of victualling, all shew an attention to the comforts of the seamen that a small ship does not possess, and worthy a great commercial nation.

6730. All those circumstances would induce a person to go to China in a large ship rather than a small one; but would that induce a merchant to send his goods in a large ship rather than a small one?—I am afraid that the merchants now are obliged to cut very close, and certainly the small ship is the lowest in expense.

6731. Are the large China ships frigate-built, or are they built for the purpose of carrying tea?—They are built with a poop, but in the model of the ship it is intended to carry a very large cargo.

6732. In point of sailing, would they compete with a vessel built for war?—The Waterloo is a very fast sailing ship. I have been in company with vessels of war, and we made a very

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6733. Are the large China ships under-masted in consequence of the small number of men on board?—We are fully masted.

6734. Are your masts as large as they would be if the vessel was wanted for war?—I think as large as the vessel would bear; as large as she ought to have.

6735. Do you apprehend there are great advantages in the shipment of tea in a large vessel over a small one?—The tea is taken in with quickness, and stowed at once without being moved. After forming the level of the hold, which is called the ground tier, it is then all simple, and will take near fifteen hundred chests in one level; it is very quickly done, for it is only placing them and screwing them close. The upper part of the hold requires more time; two chops one day, and one chop another, are what is considered fair work, doing justice to the ship, and taking as much as we can; we could take more, perhaps, but with the risk of losing stowage.

6736. Can you embark your cargo in a large ship quicker than a small one?—I think we could.

6737. Could you fill a vessel of 1,200 tons as quickly as one of 500?—No, I think not in the same time; but I think we can do it in a less time proportionably.

6738. Sooner than two ships of 500 tons?—Yes.

6739. You could load a 1200 ton ship in the same time as a 500 ton ship nearly?—I have no doubt of that.

6740. What time does it take to load your ship?—We could do it in a fortnight; the forming the level takes the greatest time; after that is complete, the chests of tea being of the same size, they are soon placed.

6741. If you were to bring home tea from China as a merchant, should you prefer bringing it in a large to bringing in a small one?—Yes, certainly, at nearly the same freight.

6742. You think that the tea would come home in a better state?—I think probably it would; I should prefer it myself but tea is a cargo which does not damage much.

6743 You have stated that the Company take a duty of 25 per cent. on the sale price of teas sold at their sales; what duty do they take on the sale price of silks and other Chinese articles?—It is a very small per centage on silks; I am not exactly aware what it is; the net amount of sale is given to us at the India House after those charges are deducted.

6744. Not more, probably, than to cover the expences of

the warehousing and sale?—No, I think not; and the expense of repacking, and so on. 6 July 1830.

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6745. Are you aware that a considerable quantity of the privilege tea has been refused by the buyers at the recent sales at the India House?—That is the tea, I suppose, which has been bought from the outside merchants, men of not very good capital; needy men, who have given a higher price for the outward investment; some of them require much caution as to what you take in return, or they will sell you a bad article.

6746. Then you conceive that to be rejected on account of its being of bad quality?—Yes; or not tea at all, some of it, I believe.

6747. Are you aware that the quantity rejected has increased very much of late years?—No, I was not aware of that; I have never had any rejected.

6748. What do you consider it to be if it was not tea?—Sloe leaves and other leaves; not leaves of the tea. I understood some of it was so bad it was not permitted to be sold.

6749. It appears that, in the year 1823-4, 8,347 lbs. only of private-trade tea were refused by the buyers; that the following year 184,640 lbs. of tea were refused by the buyers of the private-trade tea; your inference is, that that must have been in consequence of the inferior quality of the tea?—I have no doubt of that.

6750. Are you acquainted with the manner in which the Americans conduct their trade at Canton?—We see them at Canton, but we have not any great intercourse with them.

6751. Do you know whether they purchase of the outside merchants?—I believe they purchase indiscriminately.

6752. What is the general class and size of their vessels?—They are very handy vessels, from 400 to 500 tons.

6753. What number of men would a ship of 500 tons require?—About six men to the hundred.

6754. Are the American ships built with reference to the cargo?—They are generally built handier than the English; their mode of measuring in America, I believe, is different. Depth is not reckoned in an English ship; consequently our ships are built deeper. I think they take length, breadth, and depth. In England it is length, breadth, and half the breadth.

6755. Are they more or less convenient for loading a cargo than ours?—They are quite as convenient, and they are a very fine class of ships.

6756. In what part of the ship do they take the depth?—I suppose the extreme depth. I do not know whether they take it to the bottom of the keel or to the floor timber; we take it to

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the floor timber in our builder's measurement, but it is not entered into the registered tonnage.

6757. Had you any opportunity of ascertaining the comparative rate of sailing between our vessels and the Americans?—I have been in company with them, and have beat them; but I think in light winds their vessels would sail better than mine would do.

6758. You have spoken of some bad tea being included in the investment of some of the private-trade; is there much of that adulterated tea in the markets of Canton?—I have had so little intercourse with the outside merchants, dealing always with Howqua, that I cannot say; I have heard of a great deal of deteriorated tea, but it has not come under my own observation.

6759. Are the ships engaged in the country trade of India fine ships?—Some of them are very fine ships, and have been turned over to the East-India Company afterwards; some of them taken into his Majesty's service as frigates.

6760. Of what size are the largest?—Twelve hundred tons.

6761. Are they built at Bombay?—Yes; the Scaleby Castle was built at Bombay.

6762. Do you know at what rate per ton they build at Bombay?—No.

6763. Are they as well built as English ships?—I think they have the advantage of crooked timber; I should say they are stronger built.

6764. They are not inferior in any respect?—No; the finest merchant ship in the world is the Earl of Balcarras, in the Company's service, built at Bombay, of fourteen hundred tons.

6765. Was she built of teak?—Yes.

6766. Have you had occasion to observe the manner in which those large ships are managed by native sailors?—In warm weather there is no sailor more active than the Clashee (the native sailor of India); they are not good helmsmen, and they are not fit for cold weather; but for the purpose of navigation in warm climates, they are as smart and active as any people; they have not the stamina of a British sailor, and they require more of them, for their strength is not equal.

6767. Could they rig as well as the British?—Yes; I have tried them, I have had main-top men of one sort, and fore-top men of another, and they have taken in the sail quicker and set it quicker; they are more active and light, and run out on the yard lighter; a British sailor carries more weight with him; one British sailor would be equal to two, as far as weight goes.

6768. How many men should there be on board a country ship of 1400 tons?—The ship's company of a country ship is not

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encumbered with such a string of officers as we have in our Company's ships. There would be three or four officers in one of the large ships, and one commander; all the rest would be effective men; but there should be, I think, about 180 men; that would be equal to nearly double our ship's company in number, but not in effective strength. In the war time, when the navy used to press our men, and we were obliged to take native seamen to make up our complement, we reckoned two natives to one European.

6769. Upon the whole, should you consider that a native country ship sails at a cheaper rate than a British ship?—I should think they would while they remained in India, but not when they come to England; the lascars are not equal to encountering the cold; they require warm clothing and better fare; but in India they live on rice and a little fish.

6770. Are the sails all made in India?—There is an extensive canvass manufactory in Bengal; but I have seen some made of European canvass.

6771. Does that canvass bear a hard gale?—It does; but it must be taken great care of, or it will rot.

6772. What are the comparative qualities of the English and the Indian rope?—English rope is better for all services, and Indian rope for some services. Indian rope is very good for tackle-falls, and where it runs through blocks; it is a light rope. The English rope is clogged with tar, and that oozes out in hot weather; then there is the Manilla rope, which is very good if it is kept out of the rain.

6773. Are the cables of Indian rope?—Yes.

6774. Do they keep perfectly well?—Yes, but it requires great caution; they must be kept dry; they must be often hauled up and exposed to the sun; they require sprinkling with salt, and a variety of precautions which they are used to in country ships.

6775. That care being taken, is their canvass and is their rope so good as our own?—I think not quite.

6776. If you were fitting out a ship at Bombay for a voyage to China, should you purchase English or native stores?—For the running rigging, perhaps, from being cheaper, I might have recourse to country materials, because it would answer my purpose for standing rigging, if I could be certain of its being quite new; but that sent out to India, if left in store, is apt to get rotten before it comes into use.

6777. Would you purchase Indian canvass for your sails?—No; I think the English would make up in durability any difference there might be in price.

6778. The English rope is the strongest?—Yes, certainly.

6779. Did it appear to you that a material improvement

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could be introduced into the manufacture of canvass and rope in India?—I cannot say, indeed; I have never entered into the formation of them.

6780. Are they made of Indian hemp?—Yes.

6781. Are iron cables much used?—I had an iron cable in the Waterloo the four voyages, and scarcely ever let go an hempen one; I always preferred the iron one.

6782. You are obliged to have a certain portion of Europeans on board?—We must have three-fifths of European British subjects on board.

6783. Do you imagine it would be essential for the safety of the ship in the time of peace, that she should be armed in the manner you have stated?—It is a long voyage to look forward to, and we can scarcely know what changes may take place; the Company, in their wisdom, have said that the ship shall be effective for whatever may take place; and the ship could be made equal to warlike purposes immediately, if necessary.

6784. Putting aside any purposes of war as connected with national disputes, is it necessary for her safety against pirates, and so forth, that a ship should be armed in the way in which she is?—I think, when we consider the value of her cargo, and the Company being their own underwriters, that their equipment is not greater than might be required to cope with the pirates we have heard of as cruizing in various directions.

6785. Are there any other particulars in the equipment of those ships which, in your opinion, might be altered so as to produce more economical sailing?—I can scarcely say; with their present equipment they are more than well found; we have been reducing the stores by degrees, and at present there is no more than they ought to have. The great objection has been with respect to two new cables every voyage; but when a cable has been two years on the former voyage, it is not unpleasant to have a new one to stand by in case of a gale of wind.

6786. Do you know any instances in which the small vessels employed by the Americans have suffered by not having the same warlike equipment?—I have merely heard of instances; I go merely by public reports; there are several of them have been attacked by privateers and plundered lately.

6787. Are they not armed?—They have had two or four small guns.

6788. You do know of instances in which they have been attacked by privateers and plundered?—Individually I do not; I go by hearsay. The Saint Helena schooner was attacked, and her crew murdered, except some of her men which stowed themselves away, and who have reported it.

6789. Are there not dangers of that sort in the Indian Archipelago?—Not of pirate ships; they are chiefly boats. I think there is no danger to be apprehended from them unless by surprise, or being obliged to have recourse to boats. Where the Alceste was lost there was a Portuguese ship; we sent boats to see what she was, and the pirates attacked us in the boats, but they did not attempt to attack the ship; they beat us off the ground once, but on our coming back with a reinforcement they run away. 6 July 1830. Capt. R. Alsager.

6790. Is it your opinion that those ships might be navigated with a smaller number of officers than they are at present?—I think they might; we have eight midshipmen; I do not think they are necessary; but it is a nursery for young officers.

6791. How many officers have you altogether?—A commander and six officers, that is, six mates; and eight midshipmen, a surgeon, a surgeons's assistant, and a purser. I think there are almost forty on the list before we come to the fore-mast men; that is, reckoning caulker, caulker's mates, sail-maker, cooper, baker, butcher, and poulterer, &c.

6792. Do you know how far down in the list you would go in a man-of-war with a complement of 130 men, before you come to the fore-mast men?—I think about the same.

6793. How do you divide your watches?—The officers are divided into three watches when we get out of the channel.

6794. Do you know of any country trade ships having visited any ports north of Canton?—I have heard of their trying it with opium; the first that tried it answered, I understand.

6795. Supposing you had no warlike equipment on board those vessels, how many men would be necessary to navigate?—I think, with the exception of some of her officers, she requires her whole crew; the masts and yards are large, and she requires a large number of men to navigate her.

6796. In time of peace, do you conceive that the danger of attack from pirates is considerable in any ship trading to China?—I think not great. We have lately found the South American ports sending out ships well armed; and our instructions from the Company are to keep our guns clear, and to exercise twice a week.

6797. Have you ever fallen in with any who could have taken your ship but for those warlike preparations?—I think some of them have ten, fifteen, and some of them twenty guns, with a number of men on board, and desperadoes the whole of them, I believe.

6798. In time of war, should you conceive that the ships you have commanded would be able to escape from or contend with any man-of-war mounting twenty guns, well managed and well

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fought?—A man-of-war's equipment will be always superior to that of a merchant ship; but I should hope, with proper attention to training the ship's company, we should be able to defend ourselves against nearly an equal force.

6799. Putting out of the question that warlike equipment, you are not of opinion that any saving could be made in the equipment of your vessels beyond some reduction in the number of your officers?—I think not; I am not aware of any.

The witness is directed to withdraw.

Ordered, That this Committee be adjourned to this day se'nnight, two o'clock.